



Engraved by Hopwood from a sketch by Rowlandson

M^{rs}. Mary Ann Clarke

Where, when, and from whom, did the witness receive that Letter?

This Instant, from one of the Men about me.

Examination Feb^y 9th

London Published by J. Stratton at 712, Holborn Hill, Feb^y 27th 1839.

STRATFORD'S
AUTHENTIC EDITION,

Of the Investigation of the
CHARGES

Brought against
His Royal Highness the
DUKE OF YORK,

BY
Gwylthym Lloyd Wardle, Esq.
Member for Cackhampton.

Containing the Whole of the Evidence,

Printed from the

MINUTES of the HOUSE of COMMONS,
With the Official Papers

AND THE
DEBATES AT LARGE.

Vol. 11.

O! that Estates, Degrees, and Offices

Were not deriv'd Corruptly! that clear Honour

Were purchas'd by the Merit of the Wearer!

Shakespere.

LONDON, Printed for J. Stratford, 112, Holborn Hill.

and Sold by all other Booksellers.

CHARGES

AGAINST

THE DUKE OF YORK.

ON WEDNESDAY THE 15th OF FEBRUARY, previously to the House forming itself into a Committee, Mr. WHITBREAD stated his wish to attract its particular attention for a very few moments.—Although he had no distinct proposition to make, he still hoped for the indulgence of the House, as his object was to do justice to the character of a very meritorious Officer, whose feelings were wounded in consequence of some part of the examination of Colonel Gordon, in the Committee. He alluded to Major Covell.—That respectable Officer was that day introduced to him, and during the short period of his interview, expressed the apprehensions he entertained, lest from what appeared in the papers of the day, an impression might go abroad injurious to his character. The Major then presented to him the paper which he held in his hand. It was a letter from Major-General Leith, expressive of the high opinion which that Officer entertained of the meritorious services of Major Covell, an opinion not expressed alone in general terms, but justified by a reference to his able conduct in commanding the 76th regiment, during the late masterly retreat of the British Army, under the lamented Sir John Moore.—Major Covell was anxious that he should state these circumstances to the House, to protect his reputation from any unmerited aspersion. In answer, he assured the Major that not a doubt existed in the breast of any Member of the Committee, relative to his meritorious character and conduct, nor was there any symptom manifested

by any person of a wish to cast the remotest suspicion upon either. An irrelevant examination had been gone into, in which Colonel Gordon was reduced to the necessity of an answer referring to him; but such examination was subsequently expunged from the minutes of the Committee. "I do hope, said Mr. Whitbread, that the House will excuse this trespass upon its attention, and that it will perceive that the sole object is to satisfy the feelings of a distinguished Officer, (*bear! bear!*) apprehensive of undeservedly suffering in the estimation of his country, from the tendency of certain questions, put by a Committee of this House. I now beg leave, without either comment or observation, to read the following letter from Major-General Leith to Sir Thomas Musgrave:—"

"No 10, Cork Street, Burlington Street,
14th February, 1809

"Sir,

"Having had the honour to command a Brigade in Spain, of which the 76th regiment formed a part, I trust you will pardon my addressing you on a subject of a regimental nature, which the Interest I feel in a corps that has faithfully served under my orders, and justice to Major Covell, who commanded, have principally prompted. It is due to Major Covell to state, that the late much regretted Lieutenant-Colonel Symes, from having been employed on other duties and ill health, commanded the 76th regiment but one day in the field, near Lugo, where he was obliged to relinquish it; previous and subsequent to that period Major Covell paid the greatest attention to his charge, and I had hoped, that under the circumstances of the vacancy occasioned by the death of Lieutenant Colonel Symes, he would have received the vacant commission. I apprehend it was not known to the Commander in Chief, that during the whole of the arduous retreat of the late army, Major Covell had charge of the regiment, and, without disparagement to Lieutenant Colonel Shaw, it could not fail to be a circumstance of a depressing nature, to find that officer, who was a subaltern in the 76th regiment, after Major Covell had been five years a Captain, now placed over him in the regiment.

"In the anxious desire which I feel for the promotion of an old and respectable Officer, I have to hope you will acquit me of the most distant supposition that the interests of the 76th regiment are not perfectly attended to by you as its natural guardian. And believe the respect with which I have the honour to be, Sir, your most obedient, &c. &c."

"JAMES LEITH, Maj. Gen."

"General Sir Thos. Musgrave, Bart."

Sir

Sir ARTHUR WELLESLEY wished permission to say a few words in consequence of what was stated in the letter just read. He had the honour of knowing both Lieutenant-Colonel Shaw and Major Covell, and of both he had a very high opinion. But notwithstanding the suggestions in that letter, he did not think it at all surprising that Lieutenant-Colonel Shaw, who in 1804 was a Lieutenant Colonel, should be appointed to a regiment in preference to Major Covell, who was not promoted to his Majority until the year 1807. He himself had known Colonel Shaw in the 76th regiment so long back as the year 1787, and, from his services in India with the 76th, that Officer had claims for promotion in that particular regiment. It was under the conviction of such claims that he thought proper to recommend the appointment to his Royal Highness the Commander in Chief, conceiving it probable that Lieutenant-Colonel Symes would have been allowed to sell his Lieutenant-Colonelcy. That sale the Commander in Chief did not allow; but, when Colonel Symes was changed to a Garrison Battalion, the appointment of Colonel Shaw took place.

Mr. WHITBREAD had, in reply, only to impress upon the House, that Major Covell had been thirteen years a Captain, and then purchased his Majority; the SPEAKER then interfered; there being no question before the House.

The regular business of the House then commenced, and the Report of the Select Committee for inspecting certain letters relative to the pending investigation into the conduct of the Commander in Chief was brought up by Mr. LEACH.

It stated that the Committee had inspected the letters, and that they had selected certain of them which bore upon the points now under investigation, but that they by no means took upon themselves to decide whether such letters were admissible evidence

or not. The letters so selected were ordered to be referred to the Committee.

LORD FOLKSTONE now addressed himself to the Speaker as follows : " Sir ; Before I move the Order of the Day for this House resolving itself into a Committee of the whole House to proceed further in the investigation of the conduct of the Commander in Chief, I trust I may be permitted to offer a few observations on the line of conduct which has been pursued.

" I do conceive that, after what has passed in the Committee on the last night, it is not now necessary for me to enter into any explanations with a view to set myself right in the opinion of this House. (*Hear ! hear !*) But I do most sincerely hope that this House will remember, and that the country will never forget, that my Honourable Friend *, and happy am I in calling him my friend, was not allowed the course of proceeding in this investigation which he had originally determined upon, but was forced into the line of conduct which was recommended by the personal friend and professional adviser of the accused. I believe upon reference to any former parliamentary proceedings, or indeed upon a review of all the forms and precedents of any judicial inquiry, this case will be found the only one where the person originating the charges was denied to take the course he wished, particularly when that course was neither incompatible with the forms of the tribunal to which he appealed, nor inconsistent with the justice that was required. Let the House also recollect, and the country never forget, that my Honourable Friend has been pressed day after day, nay, hour after hour, to the prosecution of his charges without intermission, or even time to prepare the necessary arrangements. Nor has he until within these few days, that I felt it my duty to offer to him my

* Mr. Wardle.

services, had the power of employing any agent to assist him in his arduous but honourable pursuit.— No, on himself alone has depended every exertion to meet the pressing desire on the other side of the House, of proceeding without the slightest relaxation. He has not been able to avail himself of the services of a Lowten or a Wilkinson to arrange his documents, and to marshal his witnesses. Let the House also recollect, and I hope the country will never forget, that my Honourable Friend has prosecuted this accusation under an express threat of infamy, contingently attaching to him, a threat virulently and acrimoniously urged (*bear ! bear !*), which has been repeated and re-echoed by more than one Member in this House, and which up to this moment has never been withdrawn, never retracted, nor even modified. It is under these circumstances, first refused the course of proceeding which he desired, next pressed without intermission and under the terror of a menace, that my Honourable Friend has followed up the charges which he has so manfully introduced. These general observations I have thought it necessary to premise, conceiving, as I do, that in the proceedings of this inquiry my Honourable Friend has not been fairly used. I now proceed, Sir, to that subject which I did not think it proper last night to explain, but which from certain circumstances that have this day come to my knowledge, the same duty will not now allow me to withhold. Some days ago, a Gentleman wholly unknown to my Honourable Friend, actuated, as he said, by a desire of public justice, called upon him and informed him that he had seen in the possession of a certain Solicitor, papers strongly bearing upon the investigation then before this House. He said that an unwillingness to produce these papers existed in that Solicitor's mind, lest any imputation should

be thrown on his character as a professional man. This Gentleman did however conceive, that my Honourable Friend might determine on some clue by which the subject could be fully developed, and the necessary information obtained. As an origin to that clue, he stated, that those papers had got into the possession of this Solicitor, in consequence of his being the agent to a bankruptcy. The name of the Bankrupt being ascertained, it was easy to discover who the Solicitor was. But it so happened that there were several bankrupts of the same name, of course different Solicitors, and therefore it was not until this morning that I discovered the identical person that was wanting. I called upon him, and asked him whether such papers were in existence? He answered in the affirmative, but was extremely unwilling to produce them. He was apprehensive lest, by doing so, his character should be implicated, and that he should be held up in the light of an informer, or comprehended with other persons who had been brought forward, and whose testimony was by no means creditable to themselves. He also stated, that as he was under personal obligations to the Right Honourable the Chancellor of the Exchequer, he feared such conduct would be construed into personal offence to him. Upon that point I expressed my conviction that he ought not to entertain any such apprehensions, and offered myself to see the Right Honourable Gentleman opposite on the subject. But the jet of his objection was, that as the defence of the Commander in Chief appeared to be taken up as a Ministerial measure (*No! No! from some members,*) he was apprehensive that he should incur their displeasure, and the displeasure of those immediately under them, which would probably operate to the ruin of himself and his family. I hear some murmurs of disapprobation from Gentlemen in this House,

House, but I do assure them that this is not the only case where similar apprehensions have prevented persons in possession of strong testimony from coming forward, particularly Officers in the army, and where information was withheld from the manner in which it was taken up by the King's Servants in that House. (*Hear ! Hear !*) But to return to my interview with this Solicitor. We at length agreed that he should wait on the late Solicitor General (Sir S. Romilly,) and consult him as a friend on the line of conduct which he should adopt. I beg, however, to state first, that he told me the papers were not now in his possession, but that they were in the hands of a friend, in the country : that he had parted with them not for the purposes of destruction, but merely that, if called upon, he could be able to say, they were not in his possession. We agreed that he should state my conversation, and shew the letters to the late Solicitor-General, and an appointment for the answer was made for a quarter past three o'clock this day. I did call at the period, and there found a note left for me by the Solicitor, intimating his inability to consult that Learned Gentleman, as he was professionally engaged before the Master of the Rolls, but that he would subsequently advise me of his determination. It struck me that the claims of public duty allowed me no other course, but that I should come down to this House, and having stated all the circumstances, move that he should be summoned to attend at the Bar of this House. I did communicate my view of the subject to the Right Honourable the Chancellor of the Exchequer, who acquiesced in the propriety of my determination. The House must be aware, that as I have not seen those papers, I, of course, cannot pronounce any opinion on their nature and tendency, but from the abstract which I have perused, made out by a person who

has

has seen them, I am inclined to think that they bear upon the points at issue. There is this difficulty only, that I believe they will be found not to refer to the military part of this transaction, but to the disposal of Civil Offices under Government. As the House has already taken such subjects into its consideration, there can be no objection to continuing its inquiry. Probably when these letters are produced, the preferable method would be to refer them to a select Committee, as in the case of last night. From this statement, I presume the House, in its candour, will feel convinced, that I was in no degree deserving of the rebuke with which I was last night so violently assailed from the Right Honourable Gentleman * on the opposite side of the House."

The CHANCELLOR of the EXCHEQUER in answer, observed, "that he could not remain in his place without offering a few observations on the very extraordinary speech they had just heard from the Noble Lord. He could not sit silent, and acquiesce in those strong aspersions thrown out, not only upon some of his Honourable Friends, but upon the whole House of Commons.—(*Hear! hear!*) The Noble Lord had commented in a novel and strange manner on the House not adopting the line of conduct which the Honourable Gentleman † opposite had wished to pursue in prosecuting this charge, and had told them that he wished the House and the country to hold it in everlasting remembrance. If it were to be held in remembrance so long, let it at least be handed down to posterity correctly, and not, as misrepresented by the Noble Lord, injurious to the character of the British House of Commons in its senatorial capacity. (*Hear! hear!*) The Learned Gentleman whom the Noble Lord designated as the professed friend and adviser of the Duke of York, had indeed

* Mr. Canning.

† Mr. Wardle.

expressed

expressed a desire, as instructed by his Royal Highness, to have this inquiry conducted in a manner as public and open as it was possible. But had that been forced on the Honourable Gentleman who brought forward the charge (*Hear! hear!*), as asserted by the Noble Lord? He was sure, that besides the Noble Lord's, there was not a dissentient voice in the House to the proposition. The charge of the Noble Lord was not against those who might have differed in opinion with his Honourable Friend; it was not against a majority, who had carried a measure in opposition to the way in which he wished it; but it was against the House, for not adopting a course of proceeding so natural and proper, that excepting himself, not one person spoke against it. He did not mean to say that no other course had been proposed, but that no one had objected to the present, on the grounds now stated by the Noble Lord. This, however, was not all, the Honourable Gentleman * himself had acquiesced in this course without expressing the slightest reluctance, and did not even suggest the appointment of a Committee. The line of conduct was not pressed upon him as now represented. Was it then fair or just to the House of Commons, to have their procedure urged as one unheard of in Courts of Justice or in Parliament? (*Hear! hear!*) Was it just to cite this as an instance of harshness towards the Honourable Gentleman who stood forward as the accuser of the Commander in Chief? Or was it just to hold them up in their senatorial functions as impeding either the Honourable Gentleman's course, or the course of justice, while they had been using every exertion to procure the fullest, fairest, and most public investigation! (*Hear! hear!*)—If they were to be tried by the public it was only necessary to shew what they had done, to make it appear that the accuser had been assisted

* Mr. Wardle.

with advice, suggestions and encouragements of every kind unparalleled in any similar instance ! After this to hear the noble Lord make such assertions as he had done, excited his warmest feelings, and he could not help expressing his disapprobation of so unjust a mode of representing the facts that had occurred. As a proof of the truth of his statements he had to remind the Noble Lord, that in the whole course of this inquiry there had not been a single decision, nor a single proposition of any kind made, which the Prosecutor had not agreed to. This was a strong manifestation that nothing improper had been done, and without meaning to flatter the Noble Lord, he might say, that if any course to which he was hostile had been persisted in, he was one of those who would be the last to give up his own, or advising his Honourable Friend to give up his opinion, without taking the sense of the House upon it. He was not of a disposition to let slip an opportunity of this kind, without calling for this expression of the sense of the House to mark those who disagreed with him in sentiment, and hand down a glorious and meritorious minority, always to be remembered by the House and by the country ! (*Hear, hear.*) As for what the Noble Lord had said, respecting the rapid manner in which these charges had been pushed on, surely no blame could attach to the House, seeing that his Honourable Friend had chosen his own time to bring them forward when he ought to have been prepared to carry them on. Every indulgence as to time and manner had been allowed ; the charges had been fixed conditionally, dependent upon the possibility of finding the witnesses ; and Mr. Wardle would do the House the justice to say that the days were settled according to his convenience. This was all that could in justice be done ; for nothing could be so unfair as thus to launch a person upon public attention with many accusations, and then
admit

admit of any delay in bringing the matter to an issue! The Noble Lord had also misrepresented, when he said that his Honourable Friend had proceeded with the threat, that infamy would fall on him in case of failure. This was not the case. It had been said that infamy was due somewhere, not upon Mr. Wardle, or the illustrious Person who was the subject of this Inquiry; but if it should turn out that a conspiracy existed, that those who formed it should be stigmatized. And if such did turn out to be the real state of the matter, those who had lent themselves too easily to the purposes of such persons, would not escape censure. He was one of those who represented the hardship and grievance of telling in the evening, that on the following day, something, the nature of which was unknown, but which was stated to be formidable and disgraceful, would be brought forward as a charge! He again stated, that, in his opinion, the Noble Lord did not return a satisfactory answer, when he said he did not even know where the papers were to be found, on which his charge was intended to be brought. But it was no stigma on him to lament the hardship imposed by such a mode of proceeding on the individual accused. With regard to what the Noble Lord had stated, respecting the person who had the papers, if that person wished to withhold them from any gratitude for a kindness received from him, he could only observe, that his recollection of the obligation was more acute than the memory of the bestower. It might, however, have happened in the course of his profession, that some kindness might have been done to that person, though now forgotten by him. In narrating the circumstances, the Noble Lord had through inadvertence, forgot to mention what he had told him in private; namely, that this person had said, that if he (the Chancellor of the Exchequer) was applied to he could only give one answer, that

no

no obstruction should be given to information, but on the contrary every communication made. In a subsequent part of his speech, the Noble Lord had gone a little farther than he ought to have done, when he stated, that he knew instances where momentous information was withheld, and investigation obstructed, by a fear of offending persons in power. Would he recollect for a moment (he did not call upon him to hold it in everlasting remembrance), what an effect such an assertion would have on the public mind? He was not stating one charge that could be examined, but that a number existed which would bring infamy on the Duke of York! Was it fair by any man? Was it fair by the lowest person whom the highest could bring to the Bar, to cheat them of character by these vague and invisible attacks! (*Hear, hear, hear!*).—Was it fair by the Duke of York to say it is no matter though you should be acquitted of every charge brought against him; these are nothing to what we might produce! (*Hear, hear!*) The Noble Lord had found by experience the result of many of his charges very different from what he at first supposed they would turn out to be. Might he not, reasoning by analogy, be inclined to think that many of those concealed cases were of a similar nature! If so, he had done general mischief to the Duke of York, and to the cause of justice, by mentioning charges which he had no opportunity of answering or of knowing where they were to be met! He had said this much with respect to what had fallen from the Noble Lord. As for the particular instance alluded to, if the person who held the papers could be found to produce them at the bar, then he had no objection to their being properly selected by a Committee, or by the Noble Lord himself, to satisfy his mind that there were grounds for his proceeding."

LORD FOLKSTONE explained.—“He had complained of the hard manner in which he and his honourable friend had last night been pressed, although it had then been declared by them, that they were not prepared to bring forward the circumstances to which they had alluded. As to what had been said by him on the subject of the infamy that the gentlemen opposite had anticipated, he appealed to the recollection of the House, whether it had not been distinctly declared, that infamy must fall on the accuser or the accused.”

The CHANCELLOR of the EXCHEQUER, in addition to what he had just said, begged leave to observe, “that if the further-cases which the noble Lord mentioned, really existed, the noble Lord had nothing to do but summon those officers whom he described as reluctant to come forward to the Bar of the House, that they might be examined.”

MRS. ADAM said, “that he was not present at the commencement of the noble Lord’s speech, but he understood that the noble Lord had stated that the honourable Gentleman, by whom the charges were preferred against the Duke of York, had been driven from the course of proceeding which he was desirous of adopting, by the professed adviser of his Royal Highness. He wished to know from the noble Lord whether or not he had been misinformed?”

LORD FOLKSTONE replied, “that what he had stated was, that the line of proceeding pursued by the House was adopted at the suggestion of the professed advisers of the Duke of York.

MRS. ADAM said, “the subject of his complaint was, that in the House of Commons, where every person had a particular description by which he was to be addressed; where, if a gentleman not of the profession, he was distinguished by the appellation honourable; and if of the profession to which he

belonged, by the appellation of learned, not only an irregular but an unjust epithet had been used to *him*. If the noble Lord had said the learned Gentleman had forced the House to adopt the mode of proceeding which had been gone into, he should have taken no notice of the circumstance, considering that as completely answered by the right Honourable Gentleman who spoke last. But when the noble Lord said that he was *the professed adviser* of the Duke of York in a parliamentary proceeding, he had a right to complain, and to contradict the assertion. This was a stigma he did not deserve should attach to him. He was actuated by feelings of long and personal regard for his Royal Highness, but it was not correct or just to say that he was his professed adviser in this parliamentary proceeding. That that was calculated to make an impression on the country greatly to his prejudice if unobserved upon. —He was, therefore, anxious to repel the effect that the appellation given him by the noble Lord might produce, and that it might go out to the public that he had repelled the charge on the one hand, as the noble Lord gave it on the other. He felt most severely being put under the necessity of speaking of himself; but there were situations which compelled a person, however unwillingly, to do so, and he knew he could trust to the candour of the House while he stated that, in a long public life, in the House and out of it, there was not a stain or blot on that integrity and independence of character which it had been his only boast to obtain, and would be his pride to hand down to his posterity. He asked the House, if there was a single instance, in the twenty-five years he had sat in that House, in which he had departed from those principles which he had originally adopted as the line of his conduct? He had experienced adversities, with which it would be impertinent to trouble the House:

he

he had been no stranger to the *res angustæ domi*, but still he had the heartfelt reflection to know that he had uniformly acted on the purest principles; and by his exertions in a laborious profession, honourably secured his independence; and he trusted that it was too late now to affect his character by the unjust and unparliamentary appellation which the noble Lord had used. He would not have said so much, but he knew what would go abroad, and he was anxious that it should not go into the world without contradiction that he was actuated by any thing improper. With regard to his conduct in the present proceeding, it would be in the recollection of the House whether he had not confined his observations almost entirely to the regularity of their proceedings, without entering into debate or examination of witnesses. That he had often been examined himself, and that he would assert with confidence the correctness and accuracy of his evidence. But that very circumstance of his being called on in that character, and the length of the proceedings, which led even the best intentioned persons to mistake his statements, made him more anxious and earnest to repel this unjust charge. The honourable Gentleman*, on the first day of the proceeding had, no doubt, in the course of his speech talked of a select committee, but he had not moved for it. Mr. Yorke had suggested a parliamentary commission. Mr. Wilberforce had opposed the Committee of the whole House; so had the noble Lord. He had no doubt said, that publicity was an object of the greatest importance. The motion, however, for the Committee of the whole House was not made by him, but by a right honourable Gentleman opposite. He asked, if in this proceeding there was any deviation from the

* Mr. Wardle.

most open and fair inquiry? if there was any appearance of plan or disguise to mislead the House, in which there had been the most free, uncontrolled investigation, without restraint, and without one single division to prevent the utmost latitude of accusation—if he had done any thing which could affix to his name, that he was the professed adviser of the Royal Duke? He begged pardon for troubling the House, and he recommended to the noble Lord to address gentlemen of that House in the mode they were entitled to.

Lord FOLKSTONE explained.

Mr. CALCRAFT said, he should not have found fault with what had fallen from the noble Lord if he had not taken credit to himself at the expence of almost every other Member of the House; as if his honourable Friend had been deserted, and left alone, and the noble Lord had been the only person who assisted him in the investigation. That, however had not been the situation of his honourable Friend. If it had, ignorant as he was of the subject of the charges, he should not have refused his feeble aid. Independent of other circumstances, however, he should have acted the part he did, from having observed the industry and ability displayed by his honourable Friend in another case*; knowing which, he should have thought he acted an indelicate and dishonourable part had he thrust himself into the present charges. Nothing, he was of opinion, could be so honourable to his honourable Friend, as that he stood single and unsupported in so important and weighty an inquiry, and he entertained not a doubt that the evils he had exposed, and should be able still to expose, would not only justify him in the part he had taken, but entitle him to the thanks of the House and of the

* The Medical Board.

country. It did not become his noble Friend, however, to arrogate to himself the sole merit of assisting his honourable Friend, he (Mr Calcraft) must claim equal merit to himself. He should with pleasure hear or read a panegyric on the noble Lord, but he would rather that it should come from some other tongue or pen than his own.

LORD FOLKSTONE explained, that he arrogated no merit to himself from the aid he gave to his honourable Friend. He only alluded to the assistance he had been able to give him out of doors.

The House now resolved itself into a Committee of the whole House, to consider the conduct of his Royal Highness, the Commander in Chief.

MR WHAPTON in the chair.

MR WARDIE said that a rumour had gone abroad that it was intended to insist that the evidence of Mrs Clarke to the fact of the letters of the Duke of York being in his Royal Highness's hand writing was not sufficient. He wished to know if this was so, and called on the gentlemen opposite to make a declaration, whether they admitted the writing of the Commander in Chief.

The ATTORNEY GENERAL stated, that no person with whom he was connected had any authority on this subject.

MR WARDLE wished to call the attention of the House to some letters of Samuel Carter.

MR LEACH said, before these letters could be read, it would be necessary that the hand writing be proved.

Mrs MARY ANN CLARKE was called in, and examined by the Committee, as follows.

Mr Wardle Q Do you know the hand-writing of Samuel Carter?—*A.* Yes, I do.

Q. Do you know that to be his hand-writing ?

A. Yes, I do.

Q. Is that also [*another letter*] his hand-writing ?

A. Yes, and that also [*a third letter*]

Q. Have you ever seen him write ?

A. Yes, I have, many times

Q. Do you know the hand-writing of General Claveing ?—A. Yes, I do

Q. Have you ever seen him write ?

A. Yes, I have, many times

Q. Do you know that to be his hand-writing ? [*a letter being shewn to the witness*]

A. Yes, it is [*Three other letters being shewn to Mrs. Clarke*] These also are General Claveing's hand-writing

Q. Is that the hand-writing of Baroness Nolleken ? [*a letter being shewn to the witness*]—A. Yes.

Q. Is that also ? [*another letter*]—A. It is.

Q. Did you ever see the Baroness write ?

A. Yes, I have, and that also, [*a third letter*] is her hand-writing.

Q. Did you ever see Mr. Elderton write ?

A. There are three Mr. Elderton's.

Q. Did you ever see the Mr. Elderton write by whom those letters are subscribed ?

A. Yes, I got him a Paymastership in the 22d Light Dragoons, these three are all his hand-writing; it is the eldest Mr. Elderton. Before I leave the House I beg leave to say, I never in my life told Mr. Nicholls that I was married to Mr. Dowler, and that the Duke of York would send him abroad, nor any thing of the kind. I rather think he has been bribed by Mr. Wilkinson.

The following papers were read :

“Honoured Madam,

“20th Sept 1804”

“I wrote to the Inspector General (Gwynn) for leave of absence

“on the 14th, but received no answer, which has thrown me

“into a great dilemma, having this morning been put in

“orders to hold myself in readiness to do duty in a day or

“two The Adjutant informs me, if I have not my regi-

“mentals ready when called upon, I shall be put under an

“arrest Permit me, Madam, to hope that your goodness

“which

“ which I have experienced so often in the greatest degree
 “ possible) will extricate me from so unpleasant a situation,
 “ by obtaining me leave of absence speedily
 “ Honoured Madam, the favour of a line would tend to disperse
 “ those fears which have been some time prevalent with me,
 “ which was occasioned by your silence, (viz) that some part
 “ of my conduct has offended you from gratitude, I say with
 “ energy, God Almighty forbid

“ Accept, Madam, the sincere thanks and
 “ acknowledgments of your grateful servant,
 SAMUEL CARTER ”

“ Note Having wrote to his Royal Highness for leave, I received
 “ an answer, directing me to apply to the Inspector General.
 “ Mrs Clarke,
 “ 18, Gloucester-place, Portman-square, London ”

“ Isle of Wight, 2d Oct 1804 ”

“ I was extremely sorry at not having had it in my power to wait
 “ until you came in from the Baion's, in order to thank you,
 “ for the kind benevolence I have ever experienced from you,
 “ and which has made so deep an impression on my heart and
 “ mind as not to be erased by time Honoured Madam, I
 “ have still to beg the continuance of that benevolence, for,
 “ having placed me in a situation which requires a great num-
 “ ber of expensive things at first, and notwithstanding having
 “ laid out my money with the greatest economy, I find it inad-
 “ equate I have now the offer of a barrack-room (which will
 “ save the expence of lodging-), but I have no cot, or any
 “ money to buy one, neither have I any to subsist on till the
 “ 24th If, Madam, you will extend your kindness towards
 “ me once more, it will ever be gratefully remembered
 “ by, Madam, your sincerely thankful servant,
 “ SAMUEL CARTER ”

“ Honoured Madam, I have set the things down which I bought,
 “ by which you will see the state of my purse

	£	s.	d
“ Belt and feather .	1	8	0
“ To sword and sash	6	3	0
“ Gorget and swordknot	1	8	0
“ Paid Lewis .	7	0	0
“ Ditto laundry maid	0	10	6
“ Ditto taylor's bill	2	3	0
“ Trunk . . .	1	11	6
“ Gloves and stockings	1	2	0
“ Silk handkerchiefs	0	14	0

22, 0, 10 1/2
 “ Round

Brought forward	.	22	0	0
" Round hat trimmed	.	1	14	0
" Watch from pledge		2	3	0
" Boots and shoes		3	10	0
" Expences down	.	2	5	0
" Borrowed at depot		6	2	6
" To jacket and trimmings		4	5	0
<hr/>				
		41	19	6

" Mrs Clarke,
" 18, Gloucester-place Portman square, London "

" Charendon Transport, Spithead, 4th Jan 1805.

" Honoured Madam,

" Impelled by my dreadful situation, and my perfect knowledge
" of your goodness, I trust you will pardon the liberty of ad-
" dressing you again

" Since my last, the embarkation has taken place, and I am now
" on board in a situation not to be described You can form
" a better idea of it than in my power to express I have no
" stock for the voyage, neither have I any money to purchase
" those little things which are absolutely necessary I have
" to keep watch four hour every night, and have nothing to
" eat but salt meat three times a week, and water to drink, the
" rum being so bad, 'tis impossible to drink it

" Your goodness to me has ever been such as leaves not the smallest
" doubt that you will not suffer me to starve in the situation
" you have been pleased to place me, and which is such as
" will ever tend to make me the most grateful and happy of
" beings

" Should, Madam, you be induced to take into consideration my
" wretched case, and by a little pecuniary aid save me from
" every thing that is horrible, it will be an act worthy of
" yourself, and imprint that upon my heart which will never
" be erased

" I am, Madam, your grateful servant,

" SAMUEL CARTER "

" Be so kind as direct the letters to be
" left at the Post-office, Portsmouth "

" P S We shall lay at Spithead this fortnight —Having received
" orders to sail to Cork this morning, I have opened the let-
" ter, in order to pray you would direct to Cork, but we only
" stay there twenty-four hours, as the convoy is appointed "

" Mrs Clarke,
" 18, Gloucester place, Portman square, London

The Clerk was about to read Baroness Nolleken's
letters, when

Mr.

Mr LEACH observed, that the Select Committee appointed to examine the letters had selected those which had been presented as relevant to the matter before the House. In doing this, they had proceeded on the principle, that every letter which, directly or indirectly, shewed the influence of Mrs. Clarke, ought to be produced, although not immediately connected with the charges before the House. These letters from the Baroness Nolleken had for instance no reference to any of the charges. They merely related to an application made to Mrs. Clarke, that she would use her influence to induce his Royal Highness, the Duke of York, to interfere in a matter wholly civil. He doubted whether those letters could, with propriety, be read to the Committee, as the enquiry, in which they were engaged, was a military and not a civil one.

Mr. WHITBREAD submitted to the Committee, that at any rate the other letters might first be read.

“ My dear Mrs C “ Bishops Waltham, 30th June 1804 ”

“ Where your note of Wednesday has been travelling, as it only
 “ arrived here this morning, I have no notion, and it had
 “ not reached Conduit street at five o'clock Wednesday after-
 “ noon, when I quitted town. The disappointment is pro-
 “ voking, as I particularly wished to have seen you. But
 “ we must console ourselves in the hope of more fortunate
 “ times

“ Very truly your's

“ H M CLAVERING ”

“ Mrs Clarke,

“ 18, Glo'ster place, Portman-square, London ”

“ My dear Mrs. C—— “ Bishops Waltham, 5 Sept 1804 ”

“ You mention that His Royal Highness did not comprehend my
 “ proposal, my idea was this, —the Defence Act, Article 30,
 “ states, “ that men to be raised by that Act, are not com-
 “ pellable to serve out of the United Kingdom and islands im-
 “ mediately attached ” And in 32, “ that they shall not re-
 “ main embodied for more than six months after the peace ”
 “ We have already experienced the fatal necessity of disband-
 “ ing corps at an apparent conclusion of war, and the mis-
 “ chief

- “ chief arising from holding out temptation to men to extend
“ their services
“ My proposal then was to raise a battalion for *general and unli-*
“ *mited service*, by the voluntary offers of a stipulated number
“ of men from each regiment of militia, at a certain bounty,
“ in the same manner as some of our regiments were aug-
“ mented during the last war. The battalion to be solely offi-
“ cered from the half pay list, by which Government would
“ at once acquire a certain effective and well disciplined force,
“ whose services they can to any period command, the half-
“ pay be lightened, and the militia colonels have no reason to
“ growl, since it is determined that their establishment is to
“ be reduced, towards which the men so volunteering would
“ conduce
“ Should an opportunity occur, do submit the plan to His Royal
“ Highness, without arguing too strongly upon it, as he must
“ be tired to death with proposals, and as I would not appear,
“ even through so circuitous a channel, to trespass on his pa-
“ tience, when so recently under an obligation for my present
“ appointment
“ If you approve of dry reading, get the Defence Act to refer to,
“ and do communicate all the good things in the good town
“ Always very truly yours,
“ H M CLAVERING.”

- “ My dear Mrs C——, “ 28 Sept
“ I shall not pursue the partridges on the first of September, on
“ the contrary, propose being in London in the course of the
“ morning, and beg you will send me word at the Prince of
“ Wales Coffee-house, whether you can receive me in boots
“ about six, or later, if you please.
“ Very truly,
“ Mrs Clarke, “ H M CLAVERING ”
“ 18, Gloster-place, Portman-square, London ”

- “ My dear Mrs C “ Bishops Waltham, 11 Nov 1804
“ The purport of this is to thank you for your attempt to serve
“ me, tho' unsuccessful, the inclination being the same. On
“ Sunday next I propose being in town, if possible, for one
“ day only. Can you so contrive that we shall meet?
“ Yours very truly,
“ Mrs Clarke, “ H M CLAVERING ”
“ 18, Gloster-place, Portman square, London ”

- “ My dear Mrs C. “ Bishops Waltham, 12 Dec 1804 ”
“ There is a strong report, that some *new* regiments are about to be
“ raised, which, tho' incredible, I will be obliged to you to
“ ascertain the truth of, and to acquaint me *soon as possible*
“ ——— W C

“ ———W O left me this morning for town, to return again,
“ next week

“ Very truly yours,
“ H M CLAVERING ”
“ Mrs Clarke,
“ 48, Glo’ster-place, Portman-square, London ”

Mr Elderton’s letters were about to be read, when Mr LEACH submitted to the House, that although Mrs Clarke had said that she had obtained for Mr. Elderton a paymastership, she had not said that that paymastership was procured through the Duke of York

The CHANCELLOR of the EXCHEQUER concurred in the propriety of the observation made by the Hon Gentleman. Mrs. Clarke might have obtained this paymastership through other channels, by the means of Mr Maltby for instance. In his opinion it was indispensable that she should be examined on this point.

Mrs MARY ANN CLARKE was again called in, and examined by the Committee, as follows.

Q Through what influence did you get the paymastership for Mr Elderton?

A The Duke of York obliged Mr Greenwood to give it, very much against Mr. Greenwood’s wishes.

Q Was it any military matter upon which the Baroness Nolleken wrote to you?—A. No, it was not.

[The witness was directed to withdraw.

Mr LEACH again suggested, that as the subject of Baroness Nolleken’s letters was not of a military nature, it ought not to be enquired into.

Sir G. WARRENDER, though he allowed that the present question did not bear exactly on the points immediately under the consideration of the Committee, yet as the Committee had already deviated in several respects from their precise instructions, he thought that it might as well be put. He was the more inclined to this opinion, as the investigation

tion of the matter had a very important bearing on the credibility of Mrs. Clarke.

Mr. BARNHURST considered that the question ought not to be put, and Mr. LEACH repeated his former observations. But Lord FOLKSTONE declared, "that if such a question could not be put, it would be necessary as soon as the Committee rose, to move the House for an enlargement of their powers."

The witness was again called in.

Q In consequence of the Baroness Nolleken's letter, did you apply to the Duke of York upon the subject of that letter?

A Yes, I did, but I do not know what that subject is, there are several wishes the Baroness had, that I applied about, I shewed all her letters to him.

General Loftus. Q You have stated, that the Duke of York obliged Mr. Greenwood to give the paymaster-ship to Mr. Elderton much against his consent, how do you know that?

A His Royal Highness told me so himself, and very likely Mr. Greenwood will say so too.

Q Look at those letters again, and say whether they are all written by the same person?

A Those are her letters (No. 41 and 119), when she was ill her eldest son wrote for her, I should rather think this (No. 127) is her eldest son's writing.

Q Did you ever see the eldest son write?

A Yes, I think I have, but I cannot be positive as to his hand writing, only I know the Baroness has frequently told me that she had ordered her son to write to me when she has been ill.

Mr. S. Browne. Q Is the letter which you say was written by the son of the Baroness, one of those which you just said was written by the Baroness herself?

A Yes, it is one of those, but you will allow that I had not a moment to look over it, and another thing, those letters have been taken without my consent, and I have not looked at them myself, I had sent them down to be bailed, and never thought they would come forward again, and this is near a twelvemonth since.

Q. Do

Q. Do you mean by the eldest son of the Baroness Nolleken, Mr. Le Maitie?

A. No, Gustavus Nolleken.

Q. Have you ever seen him write?

A. Yes, I have seen him write, I think, but I cannot be positive as to his hand, any further than I said before, that he used to write his mother's notes.

Q. Do you mean to say that those letters were written only twelve months ago?

A. No, I suppose there are dates to them, to shew when they were written.

Q. Do you know the hand-writing of any other son of Baroness Nolleken?

A. No, I was acquainted with the two sons, but I do not know the writing, the youngest son was in the Guards, and was very seldom with his mother; the other was always with his mother, and a great deal with me.

Q. Then you cannot positively state that this is the hand-writing of any one son of the Baroness Nolleken in particular?

A. No, I cannot; perhaps it is the Baron's writing; he used to write to me.

Q. In short you do not know whose hand writing it is?

A. I hardly looked at it, I know pretty well what the subject is, and whence it came, the Baroness wanted a pension of four hundred pounds a year, and, if I recollect right, that is the letter about it.

[The witness was directed to withdraw.]

Mr. LEACH observed, that the question, "Whether or not these letters ought to be read?" had not yet been decided by the Committee. It was, therefore, highly improper that the witness's last answer should stand on the minutes, and he proposed that it should be expunged.

After a few observations from Sir T. TURTON and Mr. C. ADAMS, it was agreed that the answer should remain.

The following papers were read:

“ My dear Madam,

“ Nothing but the pardonable anxiety which I naturally feel for
“ the welfare of a child, should induce me to presume to
“ trespass upon you at present

“ You know my boy Charles, he is a fine youth, with a finished
“ education His appointment to a cadetship in the infantry
“ for Madras was confirmed this morning, and I shall engage
“ him a passage on board the *Ocean*, which will sail from the
“ Downs in about five days

“ Charles must leave town for *Portsmouth*, and go on board on
“ *Wednesday next*

“ Do you think, my dear Madam, that His Royal Highness the
“ Duke of York will condescend to honour him with letters
“ of recommendation to Lord William

“ Bentinck, *Governor of Madras*,

“ and to Major General Sir John Francis

“ Craddock, K B the Commander in Chief there, desiring

“ them to exchange him from the infantry, and place him in
“ the cavalry”

“ If you will confer upon us both the very great favour of soliciting
“ His Royal Highness, to deign to confer upon us this distin-
“ guished obligation, it will for ever remain deeply engraven
“ upon the grateful hearts of Charles Elderton, and of

“ My dear Madam, yours very sincerely,

“ Friday, 18 Jan.”

“ HY ELDERTON ”

“ I have this moment received a summons to attend Mr Green-
“ wood, who has heard from Scotland, and desires me *not* to
“ make any *preparation for a voyage* I fear all is over in that
“ quarter, but I shall know to-morrow, and will immediately
“ afterwards wait upon you

“ Mrs Clarke,

“ 18, Glo'ster-place, Portman-square.

“ My dear Madam,

“ I fancy you are (and I sincerely hope you ever will remain) a
“ perfect stranger to anxiety, otherwise I think you would
“ not have left town on Friday, without first gratifying me with
“ a reply to my last.

“ Perhaps you will have the goodness to introduce the subject to
“ the notice of His Royal Highness on Monday evening, and
“ so enable yourself to oblige me on Tuesday morning with
“ such an answer as may serve to guide the conduct of

“ Your faithful servant,

“ 21, Portman-street, 3d Dec

“ HY. ELDERTON ”

“ Mrs Clarke,

“ 18, Glo'ster-place, Portman-square.

“ Sir

“ Sir,

“ It is infinitely beyond the power of language to convey to Your
“ Royal Highness an adequate idea of the extent of my grati-
“ tude for the great favour which you have deigned to confer
“ upon me, in confirming the leave of absence granted to me
“ by Sir Robert Abercrombie Your Royal Highness has
“ raised me from the most profound despair to happiness, and
“ I shall never cease to bless Your Royal Highness for your
“ gracious condescension and goodness towards

“ Your Royal Highness's most devoted servant,

“ 17 April,”

“ HENRY ELDERTON ”

“ His Royal High the Duke of York ”

“ My dear Madam,

“ Gloucester place, Sept 22 ”

“ I am this moment favoured with your very kind letter, this fresh
“ mark of your friendship gives me great pleasure I hope
“ the change of air has perfectly restored your health, and that
“ I shall have the satisfaction of seeing you return to town in
“ as good looks as ever My dear Baron, with his best re-
“ spects to you, begs you will have the goodness to assure
“ H R H of the deep sense of gratitude he feels for the
“ Duke's gracious remembrance of him and thinks with
“ you that His Majesty would be more liberal to him than
“ Mr. if he dare presume to judge from His Ma-
“ jesty's goodness to him for these forty years past, on every
“ occasion I hope the weather has been as fine at Margate
“ as in London, it has, thank God, quite restored my health.
“ I flatter myself you will favour me with a visit on Wednes-
“ day, any time most agreeable to you to name, for, be as-
“ sured, I enjoy very sincerely the pleasure of your society,
“ exclusive of the gratitude I shall ever feel for the kind in-
“ terest you take for me and mine Adieu, my dear Madam.

“ Believe me yours most truly,

“ Mrs Clarke,

“ M NOLEKEN ”,

“ Royal Hotel, Margate, Kent ”

“ Dear Madam,

“ I see by the Papers, that the D was with the king yesterday
“ morning, and that Mr Pitt had a private audience of His
“ Majesty, I therefore indulge a hope that my request may have
“ been thought of, do then, my dear Madam, inform me in
“ what state of forwardness it now stands, when and by whom
“ my letter was given, and how received Pardon my giving
“ you the trouble of answering me *all* these questions, but
“ the very *kind* part you have taken in this business, assures
“ me you will pardon me, and think it but natural I should
“ feel *anxious* in a matter of so much consequence to me and
“ mine A thousand thanks for the care you were so good as

“ to

“ to send me yesterday, and with my kindest wishes, be assured,
“ sured,

“ My dear Madam,

“ I remain, most sincerely,

“ Your much obliged,

“ Thursday, five o'clock ”

“ Mrs Clarke, 18 ”

“ M. NOLEKEN ”

The CHANCELLOR of the EXCHEQUER called the attention of the Committee to the circumstance that the letter which had been just read, purporting to be from Mr Elderton to the Duke of York, was without a seal. It had probably been enclosed in a cover to Mrs Clarke, to be sent to His Royal Highness or not, as that lady pleased, but it was found in the custody of Mrs Clarke herself.

THOMAS WALKER was called in, and examined by the Committee, as follows

Mr Wardle Q Did you live with Mrs. Clarke in Gloucester-place, as coachman?—A Yes.

Q Do you recollect a footman there, of the name of Samuel Carter?—A Yes

Q Was Samuel Carter in the constant habit of waiting at dinner, while he was there?—A Yes, he was.

Q Do you know Miss Taylor?—Yes, I do.

Q Have you frequently seen her in Gloucester-place?

A Yes, I have?

Q Do you recollect and know whether Samuel Carter was in the habit of going behind the carriage?

A Yes, he did

Lord Folkestone Q Were you head coachman at Gloucester-place?—A I was

Q How many horses did Mrs Clarke keep?

A Sometimes six, sometimes eight

Q How many carriages?—A Two

Q Never more?—A No more at one time,

Q Do you know who provided the keep for the horses?

A Mrs Clarke

Q Did she pay the bills?

A As far as I know, she did.

Q Were they paid through you?

A No, they were not

“ Right

Right Hon. Mr. Yorke Q Did Samuel Carter wear a livery?—*A* No, he did not.

Q How do you know that Samuel Carter ever waited at table?—*A* I waited at the same time.

Q Did you ever wait at table when the Duke of York was there?—*A* I did

Q Did you wear a livery when you waited at table?

A I did not

Mr C Adams Q When Samuel Carter went behind the carriage, did he go behind the carriage without a livery?—*A* Yes, he did

Q Had Mrs. Clarke any livery for any of her servants?

A Yes, the footman.

Q Did you wear a livery when you drove the carriage?

A I certainly did

Q Do you know with whom Samuel Carter lived before he came to Mrs. Clarke?

A I understood he was along with Captain Sutton

Q Did you ever see him at Mrs. Clarke's when he was Captain Sutton's servant?—*A* I did not.

Q When you said he was along with Captain Sutton, did you mean that he was Captain Sutton's servant?

A I did not.

Q When he lived at Mrs. Clarke's, did he dine with the other servants?

A He did, for any thing I knew.

Q Did you dine with the other servants?

A I did not.

Q Were you upon board wages?—*A* Yes, I was.

Q Did you ever hear whose son Samuel Carter was supposed to be?—*A* I never did.

Q How many more servants did Mrs. Clarke keep?

A Sometimes six, sometimes seven.

Mr Wardle. Q You have stated, that you waited at table, do you recollect Miss Taylor dining there when you waited at table?

A I recollect when his Royal Highness, and Mrs. Clarke dined together, there was another lady.

Q Do you know who that other lady was?—*A* I do not.

Q Do you mean that you do not know, or do not recollect?—*A* I do not recollect

Q Do you know Miss Taylor?—*A* I do now.

Q You

Q. You have stated before, that you know Miss Taylor, are you certain that you ever saw Miss Taylor in Gloucester place?—A. I am certain I have

Sir John Sebright. Q. What did you understand Samuel Carter was to Captain Sutton?—A. I never heard what he was

Q. You do not know that he was not a servant?—A. I do not

Q. How long have you lived with Mrs Clarke?—A. About three years

Q. With whom do you live now?—A. With Mrs. Clarke.

[The witness was directed to withdraw.

[The witness was again called in]

Attorney General Q. When did you first live with Mrs Clarke?—A. At the time that his Royal Highness came to Gloucester-place.

Q. Have you lived with her continually ever since?—A. I have not

Q. When did you leave her?—A. After Mrs Clarke left Gloucester-place

Q. When did you return to her service?—A. About six weeks ago.

Q. You did not live with her at any time between her leaving Gloucester-place and six weeks ago?—A. A little while after she left Gloucester-place.

Q. Did Samuel Carter very frequently go behind the carriage?—A. Not more than once or twice.

Q. How long had Samuel Carter lived with Mrs. Clarke?—A. I think about a twelvemonth, to the best of my knowledge

[The witness was directed to withdraw.

WILLIAM M'DOWALL was called in, and examined by the Committee, as follows.

Mr. Waddle. Q. Did you live with Mrs. Clarke as footman, in Gloucester-place?—A. Yes.

Q. Do you recollect the name of the footman that was there

there at the same time?—*A* His name was Carter, by the name I cannot say any further

Q Did you and the other footman, of the name of Carter, do your work together?—*A* Yes

Q. Do you know Miss Taylor?—*A* I know a lady of the name of Miss Taylor, but I cannot recollect her, there are so many of the name, I cannot say that I know any thing particular, I know the lady that used to go down to Weybridge of that name, that is all I can say

Q Do you recollect that Miss Taylor being in Gloucester-place as well as at Weybridge?—*A*. I cannot say; I have known a lady of the name of Miss Taylor that used to call there, but I cannot say that I should know her.

Q. Do you recollect the lady whom you speak of as Miss Taylor, the lady that was at Weybridge, being at Gloucester-place?—*A* Yes, I do by that name

Q Do you recollect Miss Taylor ever being at Weybridge when the Duke of York was there?—*A* I cannot say, the Duke of York might be there, but I cannot speak to that, for the reason, because I do not know it.

Q. Were you in the habits of going to Weybridge with your mistress?—*A* Yes

Q Did you ever see the Duke of York there?—*A* Yes, I cannot say but I did

Q You also state, that you have seen Miss Taylor at Weybridge, can you recollect whether you ever saw Miss Taylor at Weybridge at the time the Duke of York was there?—*A* I have told that before, that the Duke of York might be at Weybridge, for any thing that I know

Lord Palmerston *Q* Was Carter employed in any other manner, except waiting at the table?—*A* Yes, he was employed as a servant, when I went into the house, he acted as a servant, as far as I know.

Q Did he dine with the other servants?—*A*. Yes

Q Did Carter act in the same capacity, as a servant, as yourself?—*A* I suppose so, he did the work along with me, that is all I can say

Q Do you live now with Mrs. Clarke?—*A*. No, I do not.

Q. Are you in place now?—*A*. Yes, I am.

Q. With

Q. With whom?—A. With Mr. Johnson.

Q. What year did you live with Samuel Carter at Mis Clarke's?—A. That I cannot recollect, I cannot say, justly.

[The witness was directed to withdraw.

Colonel VEPEKER stated his object to be to call the attention of the Committee to the state in which the witness had come to the bar. The witness appeared to be drunk and in such case it became the House to make an example of such a person [*A cry of Move! move!*]

On the question being put that Mis. Favorey be called in,

Mr SUMNER expressed his surprise that the Committee had not resorted to some proceeding on the suggestion of the Hon Member [*Hear! hear!*]. At all events, if it was the opinion of the Committee that the witness was drunk, he was of opinion that his evidence ought to be expunged from the Minutes.

Mr BATHURST admitted that it must have been obvious to every gentleman, particularly those who sat near the bar, that the witness had taken more liquor than he ought. But he had given his evidence as clearly as any other witness who had been examined at the bar, and he thought it beneath the dignity of the House to take any notice of the state in which he was.

Mr. SUMNER then moved, that the evidence of the last witness be expunged from the minutes. This was the more necessary, as the Committee seemed agreed that he was drunk, and he had been suffered to withdraw without any censure.

Sir THOMAS TURTON begged the Hon Gentleman to reconsider his motion, as it was a question upon which the Committee might be called upon to divide. He admitted that the witness was in a state
indecorous

indecorous for a person at the bar of that House, but his evidence was not material enough to require so strict a measure as that of expunging it from the minutes

Mr W SMITH was not surprised at the feeling manifested by the Hon. Gentleman* for the dignity of the House. But there was a great difficulty in drawing the line for the interference of the House, in animadverting upon such impropriety. He hoped that the Hon. Gentleman would be influenced by what had fallen from the Hon. Baronet, and waive his motion

The CHANCELLOR of the EXCHEQUER observed, that if the question was as to the punishment of the individual, it would be desirable to take into consideration the time he had been summoned. But he thought that the whole of what they desired might be attained without expunging the evidence, by an entry upon the minutes that the witness was, at the time of his examination, in a state of intoxication.

Mr DENNIS BROWNE understood the course to be pursued by the Right Hon. Gentleman to be, that a minute should be made of the state of the witness when he gave his testimony. There could be no objection to such a course, when it was recollected that the witness had been ordered to withdraw from the Bar intoxicated, by the motion of an Hon. Member (*loud and general peals of laughter*). He repeated that the witness was intoxicated, and unless the Committee should agree to the entry upon the minutes of that circumstance, he should vote for the motion for expunging the whole of that witness's evidence from the minutes

Mr C. ADAMS stated, that though the witness was in a state of intoxication, he had given his evidence in a clear and intelligible manner.

* Mr. Sumner.

Mr.

Mr WHITBREAD stated, that the evidence, if left on the minutes would speak for itself.

Mr SUMNER, acceding to the proposition of the right honourable Gentleman*, begged leave to withdraw his motion

The CHANCELLOR of the EXCHEQUER observed, that the Committee was in a state in which they ought to decide whether the evidence was or was not to be allowed to remain without some particular notice upon the minutes. If the witness was competent to give consistent and satisfactory evidence, he should not have been ordered from the Bar whilst under examination by a member, and if he was in such a state as to require his being removed from the Bar, then his evidence ought not to be suffered to remain on the minutes without the entry which he had suggested.

Colonel VEREKER contended, that it was obvious to every member about the Bar, that the witness was in a state of intoxication. In such a state his testimony would not be admitted in any court of justice, and ought not therefore to be admitted in that, the highest judicial tribunal

Mr. ELLISON —“ If ever I have known any thing of the rules of evidence, I have lost it since the commencement of this inquiry. It has been said that the witness is drunk, but that I cannot observe. The witness has not given as flippant answers as other witnesses have, who have not been suspected of being drunk. At all events, it is beneath the dignity of the House, whose conduct is now before the country, to take any notice of the circumstance ”

Admiral HERVEY had attended to the evidence, and the witness did not appear to him to be in a state to preclude him from giving testimony

The CHANCELLOR of the EXCHEQUER observed

* Chancellor of the Exchequer

that

that if it was the opinion of the Committee that the witness was not intoxicated, he ought not to have been ordered to withdraw before he had been fully examined

Mr. DENNIS BROWNE argued, that the witness either was drunk, or he was not drunk, if he was drunk, his evidence ought to be expunged, if not, he ought to be again examined.

Mr. FULLER thought, that "as there seemed to be such a variety of opinions on the subject of the state of the witness, that the best way would be to have him in again, and thus to give him fair play," (*A laugh*)

The CHANCELLOR of the EXCHEQUER repeated, that if the Committee was agreed that the man was not drunk, he ought to be called in to have his examination finished.

Mr. BATHURST said, that if the witness was to be called in again, he should be examined only as to his previous sobriety, without adverting to what he might have drank since he withdrew

Mr. BLIGH stated, that if the witness should be called in again, he would put the same question to him as he had done before.

[The witness was again called in]

Q. What year did you live with Samuel Carter at Mrs Clarke's?

A. I told you I could not recollect.

Q. Was it in the year 1808

A. I cannot recollect, I cannot call it to my memory, I can guess very nigh it, though.

Q. What do you guess?

A. I cannot say justly; I can tell the year partly.

Q. What was the year?

A. I told you before I did not recollect, and I cannot say the date, for I do not remember it, and therefore it is of no use for me to say the date.

Q. You

Q You have said you know the year partly, state whether you can at all recollect the year ?

A. No, I cannot

Q. Was it four years ago ?

A. Yes, rather more than that, I believe.

Q. Was it six years ago ?

A. If I could recollect the date, I then should have no occasion to say I did not know it

Q. You do not know whether it is three years ago or six ?

A. I do not know indeed, I have said that before.

Q. Did you wear a livery when you lived with Mrs. Clarke ?—**A.** Yes.

Q. Did Samuel Carter wear a livery at that time ?

A. No, he did not wear a livery during my time.

Q. When did you quit Mrs. Clarke's service ?

A. You ask me a question, which I cannot answer, because I cannot recollect the time, I never took an account of the time I left the house

Q. At what time did you get your summons to attend this House ?

A. I did not set that down even, I forget that even, I know what day I got the notice to come.

Q At what time did you get the notice to come here ?

A I cannot justly tell the hour

Q Was it to-day or yesterday ?

A. I received the notice to attend the House, and I paid that respect to attend the House accordingly as I was ordered.

Q When did you receive the notice ?

A I received it on Monday, and I received one this afternoon.

[The witness was directed to withdraw.]

Colonel VEREKER appealed to the House; whether the answers of this witness did not bear out the statement that the witness was drunk ?

Mrs. MARTHA FAVERY was called in, and examined by the Committee, as follows

Mr. Wardle. **Q.** Did you live with Mrs. Clarke as housekeeper in Gloucester-place ?—**A.** Yes.

Q. Do



Engraved by Hopwood, from a Sketch by Rowlandson.

Mrs Favery.

Published by J. Stratford, Holborn Hill, March 18th 1809.

Q Do you recollect a footman there of the name of Sam. Carter?—*A* Yes.

Q Was Sam. Carter in the constant habit of waiting at table on the Duke of York and Mrs. Clarke and her company?—*A* Yes

Q Do you know Miss Taylor?—Yes

Q Was Miss Taylor in the habit of being often in Gloucester-place with Mrs. Clarke and the Duke of York?

A Yes

Q Do you recollect any thing with regard to a note being changed, just before the Duke went to Weymouth, and Mrs. Clark to Worthing?—*A* Yes, I do.

Q State what you know about that

A I know that the Duke's servant came in the morning, and I gave him a note, but I do not know the number of it, nor what note it was, and he returned again about eleven o'clock, and gave me the money, I took it up stairs, and then the Duke was in the bed-room, and Mrs. Clarke; in short, they were in bed

Q Do you recollect who that servant was?

A A German, Ludowick.

Q Was Sam. Carter in the habits of sharing the duty of a footman with the other man?

A He cleaned the knives, cleaned the plate, attended the carriage, and waited at table on His Royal Highness

Q Was not the house in Gloucester-place to your knowledge kept at a great expence?

A It certainly was, there were sometimes two men cooks, sometimes three men cooks

Q Do you mean that those cooks were on any particular occasion of dinners, or when do you mean that there were two or three men cooks?

A When there was a particular dinner there were three men cooks, or sometimes more, Mrs. Clarke always wished to have her dinners go up in the best manner, to please his Royal Highness, and if there was any dinner found fault with by his Royal Highness, she would have another.

Q Have you often known Mrs Clarke distressed for money during that period ?

A She never could pay her debts properly after the first quarter, people were tearing me to pieces for money, and saying that I kept it

Attorney General Q. When did you first live with Mrs. Clarke ?—*A* When she went to Gloucester-place

Q Had you known Mr Clarke before that time

A Yes

Q How long had you known Mrs Clarke ?

A I lived with her before she went to Gloucester-place I have known her these ten years, more than that

Q How much more ?

A I cannot exactly say how much more

Q Have you known her twenty years ?

A No, I have not known her twenty years.

Q Where did you first know Mrs Clarke ?

A I knew her at Hampstead, I went to be a servant to her there.

Q Did you not know her before that time ?

A Yes, I went about six weeks after she was married, to live with her

Q After she was married to Mr Clarke ?—*A* Yes

Q Did you live with her from that time till she went to Gloucester-place ?

A No, I lived with her three or four times since, I went away and came back to her

Q Who first recommended you to Mrs Clarke ?

A The paper

Q Do you mean by an advertisement ?—*A* Yes

Q Did you know nothing of Mrs. Clarke till you saw that advertisement ?

A No, I did not

Q Did you live with her at Gloucester place ?

A I went with her to Gloucester place, from Tavistock-place to Gloucester-place

Q When you lived with her in Tavistock-place ?

A Yes, I did

Q Where

Q Where did Mis Claikē live before she went to Tavistock-place ?

A I do not know, I did not live with her all the time

Q Do not you know where she lived all that time ?

A No, I was in the country with another family.

Q With what family were you in the country ?

A I am not obliged to answer that.

Q Yes you are

A It was a family who are dead

Q Who were they ?—A One Mr Ellis.

Q Where did he live ?—A In the City.

Q What part of the City ?

A He was a carpenter

Q In what part of the City ?

A I really do not know the name of the street, I can not recollect it, it is so long ago

Q How long did you live there ?—A Two years.

Q If you lived two years in the same street, you must know where they lived.

A It was not in the same house, it was in lodgings.

Q Where were the lodgings ?—A I cannot tell.

Q In how many different places did they live while you were with them ?

A They had different apartments, they kept shop in one part of town, and had apartments in another.

Q. What part of the town did they keep a shop ?

A I cannot recollect indeed, I was at Brighton and Margate with them, and in different parts about

Q What other parts besides Margate and Brighton ?

A I was at Ramsgate, and many little places about that I did not think about

Q Was it upon parties of pleasure the family went to Margate and Brighton and Ramsgate ?

A No, they were all ill, the mistress and children and all, they went for their health, I suppose.

Q They went to these different places for their health

A I suppose so, I cannot say what they went for particularly, I do not know their concerns.

Q. Then why do you suppose they went for their health, if you know nothing about it?

A. I should think so, if they went to those places.

Q. How many did the family consist of?—A. Four.

Q. Mr. and Mrs. Ellis?—A. Yes, and two children.

Q. Any servant but yourself?—A. No.

Q. Who was left in the shop while they were absent?

A. I cannot say, I am sure I do not know.

Q. You say they kept a shop at one part of the town, and had lodgings in another?—A. Yes.

Q. In what part of the town was the shop?

A. I really do not know, I did not concern myself with the shop, I never went there.

Q. In what part of the town were the lodgings?

A. In some of the streets near Cheapside, but it is out of my memory entirely, when I leave a place, I never trouble it again.

Q. You have said that they lived in more places than one in London, what other place can you recollect besides the street near Cheapside?

A. I really cannot recollect any thing at all about it, I do not know any thing about it.

Q. In how many different lodgings did they live in London, while you were with them?

A. I cannot say, they left me till I went to Brighton, I went to Brighton with the children.

Q. Did they live in two, three, or four different lodgings?

A. I cannot answer that question indeed.

Q. Did you go to Brighton with the children without Mr. and Mrs. Ellis?—A. Yes I did indeed.

Q. Did Mr. and Mrs. Ellis come to you there?

A. Yes, they did.

Q. How long did they stay there?

A. I believe we were there about three months.

Q. Where did you live at Brighton?

A. I will tell you as high as I can, opposite the sea; but I do not know the name of the street, though I was there.

Q. When

Q When did you go to Margate ?

A Really I cannot tell you such a question as that, I do not keep that in my head, I do not know.

Q Where did they live at Margate ?

A In the High-street

Q Are Mr and Mrs. Ellis dead ?

A Yes, so I heard

Q And the children ?

A I do not know, I never inquired after them

Q. What reason had you for not chusing to mention this family ?

A. I have no reason at all, I answer as nearly as I can recollect

Q Do you know Captain Sutton ?

A. I did, but he is dead, he has been dead two years, I believe I can recollect that.

Q Was not Sam Carter supposed to be his natural son ?

A I cannot tell

Q Did you never suppose that ?

A No, I cannot tell what other persons supposed.

Q Carter did not wear a livery ?—A No.

Sir R Williams Q You have stated that there was a very expensive establishment in Gloucester-place, did His Royal Highness at any time give you any money to defray the expences of that establishment ?

A He never gave me any in his life

Q Did any body belonging to him ?

A No, nor any body belonging to him.

Colonel Vereker Q. Where did Mrs. Clarke live when you lived with her first ?—A At Hampstead.

Q Was that prior to your living with Mrs. Ellis ?

A It was before

Q. Then how comes it that you recollect the place you lived in with Mrs Clarke, and do not recollect where you lived with Mrs Ellis afterwards ?

A Because I lived longer with Mrs. Clarke than I did with those people.

Q. Did you not live two years with Mrs. Ellis ?

A. Yes, I did.

Q. Do you mean the Committee should understand, that you do not recollect where you lived two years with Mrs. Ellis?

A. No, I do not, I was at Brighton, Margate, and Ramsgate, and other places; and I suppose they were like a great many people, in debt, and went about in consequence, if I must tell the truth; but it is not the thing to tell family affairs

Q. You have said Mrs. Ellis kept a shop in one part of the town, and lodgings in another, now you tell the Committee you were living about all the time, how do you reconcile that?

A. They may go about, his wife may, and he may keep out of the way, or stay at home, I cannot tell how they manage those things.

Q. Are you not related to Mrs. Clarke?—*A.* No.

General Phipps. *Q.* Do you mean to deny that you are Mrs. Clarke's sister?

A. I do, I am not Mrs. Clarke's sister.

Mr. Harbord. *Q.* Did you pay any of Mrs. Clarke's servants wages?—*A.* Yes, I did

Q. What were the wages you paid to Sam. Carter?

A. I really cannot say what I gave him

Q. Did you ever pay Sam. Carter any wages?

A. I have given him money a great many times when he has asked for money to buy himself shoes and things he wanted.

Q. Do you recollect whether there was any agreement made for wages?—*A.* No, I do not

Mr. Herbert. *Q.* You have stated, that you were house-keeper to Mrs. Clarke, and superintended a very large establishment, and had two or three cooks at particular times, what number in general, did you superintend, and have to provide for?

A. I am sure I cannot say, there were always very elegant dinners went up, and what they could not do, came from the pastry cook's, there were four men in the stable, a butler, and two footmen, two cooks, a laundry-maid, a housemaid, a kitchen maid, and another little girl that worked

at

at her needle, and myself, and a charwoman to wash one day in the week.

Q You mentioned that there were very considerable embarrassments happened, and that you have been applied to for money, and have been supposed to keep it instead of paying the different creditors, did you tell her of those distresses, and apply to her for money, and if so, what answer did you get?

A I did inform her, she said that His Royal Highness had been very backward in his payments to her, and I must put the people off, and accordingly I did as she said.

Q Did Mrs. Clarke ever mention to you that His Royal Highness said that he would give or had given her sums of money, to pay those debts?—*A*. No, I never heard that.

Q Did you never mention to Mrs. Clarke, that you wished her to ask money from the Duke of York, to pay those debts?—*A* Yes, I did.

Q What was the answer Mrs. Clarke made?

A She said all would be paid as soon as she had it from His Royal Highness.

Q. Were not many of those debts paid?

A A great many were paid.

Q You have stated, that you applied to Mrs. Clarke, telling her that she owed certain sums of money, to get it from the Duke of York, do you know from your own knowledge that many of those debts were afterwards paid?

A Some of the debts were paid while he was there, I have paid the baker, and I have paid the butcher twice.

Q Then upon your application, desiring Mrs. Clarke would apply to the Duke of York, have you often found debts paid?

A Yes, I have found many of the debts paid.

Mr. Wardle. Q Did you know Captain Sutton, by sight?

A Yes

Q Had Captain Sutton only one leg?

A Only one leg.

Q. Do you know what regiment he was of?

A No, I do not, I am sure.

Q. Do you still live in the service of Mrs. Clarke?

A. Yes.

A Yes

Q. Have you had any conversation with *Mis Clarke* on the subject of this investigation, since it commenced ?

A No, I have not

Mr. Beresford. Q You have said, that you paid the servants wages while you lived with *Mis Clarke*, how many men-servants did you pay wages to ?

A The coachman, his name is *Parker*, and *William M'Dowall*, I believe she paid *Pierson* herself, and the stable man and the boy, four men in the stable, I always used to give the money once a week, or once a fortnight to them ; there were in all, five in the stable, and three in the house.

Q Were they all servants on standing annual wages ?

A Yes, they were all yearly servants, and there were two servants at *Weybridge*, a gardener and a cook.

Sir J Graham. Q You have stated, that there were sometimes two and sometimes three men cooks for particular dinners, do you mean by those particular dinners, that they were dressed for a large company ?

A No, we never had a large company, this was first when *Mrs Clarke* went into that house

Q Those dinners were dressed merely for two or three persons ?

A Yes, for *His Royal Highness*, as far as I know, in particular.

Q Not for any other company ? — *A* No.

Q. You went with *Mis Clarke* when she went first to reside in *Gloucester place* ? — *A* Yes, I did

Mr Wilberforce. Q Do you know who the tradesmen were who furnished the house in *Gloucester-place* ?

A No.

Q Who furnished the upholstery ?

A. It was somebody in *Bond-street*, *Oakley*

Q Do you know who furnished the china and glass ?

A *Mr Mortlock*, in *Oxford-street*

Q Do you know who furnished the house with grates ?

A *Mr Summets*, and *Rose*, in *Bond street*

Q Do you know what silversmith furnished the plate ?

A. *Buckets*.

Q Do

Q Do you know any of the other tradesmen with whom Mrs Clarke dealt ?

A Parker's in Fleet-street, she had something to do with.

Q Who was the wine-merchant ?

A. I really do not know, I believe His Royal Highness used to send it, but I do not know, he used often to send it, I know

Q Did you ever pay any money on account of wages to any one of these men cooks ?

A Yes, I gave them a guinea a day, each of them, but I cannot recollect their names.

Q Did you consider that as payment for that day, or as in part of annual wages ?—A Only for the day.

Q. Were you in the capacity of own maid to Mrs Clarke, or was there any other ?

A. I was own maid and housekeeper together.

Q Do you know Mr. Dowler ? A I have seen him.

Q: Have you seen him frequently ?

A Yes, I have seen him frequently.

Q Have you seen him frequently in Gloucester-place ?

A Yes, I have

Q Do you know, or not, whether he staid the night there ?—A Never, I am very sure of that.

Q Did you at any time convey any messages to the tradesmen employed to furnish the house in Gloucester-place ?—A Yes, for any thing that was wanted.

Q. Concerning the manner in which it was to be done, and what articles were to be sent in ?

A Yes, Mrs. Clarke's order.

Q Did the tradesmen seem willing to send in articles merely on Mrs Clarke's authority ?

A. They sent what she ordered, as far as I know ; sometimes they would not.

Q Did you use any arguments to them to induce them to send in articles, if they appeared unwilling so to do ?

A No, I did not ; I said when she had money she would certainly pay them, nothing further than that.

Q. Did

Q Did they tell you that they looked to a better paymaster than Mrs Clarke, or any thing of that kind ?

A They have asked me, whether His Royal Highness had settled with her, and given her money, and I said no, as soon as she had it, he would give it to them

Mr Beresford *Q* Was Captain Sutton in the habit of visiting at Mrs Clarke's ?

A Yes, she knew Captain Sutton

Q Was he in the habit of visiting at Mrs Clarke's ?

A Yes

Q Was he in the habit of visiting at Mrs Clarke's before Sam Carter came to live at Mrs Clarke's house ?

A Yes, he was

Q When he came to visit Mrs Clarke was he not in the habit of bringing Sam Carter as a companion ?

A I do not know, he brought him with him, certainly.

Q When Sam Carter came with Captain Sutton, was he in the habit of going with him into the parlour ?

A No

Sir J Pulteney. *Q* When Mrs Clarke first resided in Gloucester-place, what number of servants had she at that time ?

A Sam. Carter was the first that went there when I went ; there was a coachman and two footmen, and a butler and a postillion, there were four men in the stable, she had them immediately as she got there.

Mr Wardle *Q* Did you ever see Samuel Carter after he got a Commission in the Army ?

A No, I do not think I ever did

Q Do you recollect whether Samuel Carter got a Commission in the Army while he was in Mrs Clarke's service ?

A Yes, and went to Deal to join his regiment

Q He left Mrs Clarke's service for that reason ?

A Yes.

Q And you never saw him afterwards ?—*A* No.

Attorney General *Q* What was your name before you were married ?—*A* I averry, that is my real name.

Q. Are you a married woman ?—*A* No.

Q Did

Q Did you ever hear Mrs Clarke say why she applied for a Commission for Sam Carter, more than for any other footboy in her service?—A No

Mr Bagwell By what name was Sam Carter known to His Royal Highness, by the name of Sam, Samuel, or Carter?—A We used to call him Sam

Q Was he known by the name of Carter to His Royal Highness?

A Yes, he was known by the name of Carter

Q Did Samuel Carter appear to you a person of superior manners and education to persons in that situation?

A I do not know, he was very well

Q Did any of the servants dine with you in general at the same table, when you lived with Mrs Clarke in Gloucester-place?

A Yes, I sat down to dinner with them all

Mr Wilberforce Q Can you mention any body else who was in the habit of going to the tradesmen about the articles to be furnished to the house in Gloucester-place?

A I never went, I sent a servant always, and William M'Dowall has been to Oakey's in Bond Street, and to Rose and Summers's, and to different tradesmen.

Q Do you know any body else who went?

A Fenson used to go

Q. You did not know any agent or steward, or any person of that description, who used to go?—A No

Q Do you know whether a person of the name of Taylor used to go?

A I am not sure whether he went, he might be sent by Mrs Clarke, he was not by me

Q Do you know any thing of his going?

A No, I do not

Sir R Williams Q When you lived in Gloucester-place was Mrs Clarke in the habit of receiving visits from other gentlemen besides His Royal Highness the Duke of York?—A Yes, several people came.

Q Gentlemen?

A Yes, gentlemen came backwards and forwards

Q Did

Q Did you ever know that any of those gentlemen were considered as opulent?—*A* I really do not know.

Q You have stated that you were in the habit of dining with all the servants, of course the coachman was one of that number?—*A* Yes, he was

Q Do you remember a Captain Wallis visiting there?

A. No, I never remember such a name

[The Witness was directed to withdraw

GWYLLYM LLOYD WARDLE, Esq., attending in his place, was *Examined by the Committee*, as follows

Mr. Lockhart In folio 132 of the printed Minutes of the Evidence, there appears a letter written by Mrs. Clarke to Mr. Donovan, in which is the following expression, the date of the letter is January 28th, 1809: “ I must be candid, and tell you that in order to facilitate some negociations, I had given him a few of your letters in one you speak of the Queen, in another the two Deaneries ”

Q Did Mrs. Clarke give you any letters in order to facilitate any negotiation?

A. I never had any negotiation with Mrs. Clarke about letters in my life, I do not know what she means by the expression of a negociation

Q Are these the Letters which she stated you had taken away from her?

A. I took some of Mr. Donovan's letters in the way I have before described, which I have produced to this House, but what she means by negociation I do not know.

Q Had you any other letters of Mr. Donovan's from Mrs. Clarke, or are those the very letters which she so positively stated you had taken away from her?

A. I had some other letters from Mrs. Clarke of Mr. Donovan's

Donovan's, which she gave me, and I examined him as to those letters in this House

Chancellor of the Exchequer Q For what purpose did Mrs Clarke give you those letters?

A. I really do not know for what purpose she gave them to me, I asked her to give them me, and I examined him upon them in this House.

Q. Have you never asked Mrs. Clarke what she meant by that expression in her letter?

A. No, I do not think I did, but I never did have any answer to it, if I had, I remember the expression striking me when I heard it read.

Mr Spencer Stanhope. Q When Mrs. Clarke delivered these letters to you, did she mention any thing about any negotiation as affecting one or more Deaneries?

A. I never heard of any negotiation about any Deanery, except what these letters contain

Mrs MARY ANN CLARKE was called in, and a letter from Mr. Elderton to His Royal Highness the Duke of York being shewn to the Witness, she was examined, as follows.

Sir T Turton Q Do you recollect that that was one of the letters that you delivered to Mr. Nicholls, to be burned?

A Yes, they were all delivered to be burned.

Q. Do you recollect that was one of them?

A I cannot recollect that that was one of them, except, what I burned myself, I gave the rest down to be burned, and they positively assured me they were burned

Q. Do you remember how that letter came into your possession?

A I suppose I may be allowed to read it before I give my opinion.

[The Witness read the letter.]

Q To whom is that letter addressed ?

A It is addressed to His Royal Highness the Duke of York

Q How came that letter into your possession ?

A I had it to shew the Duke of York, I suppose, as I had many other letters, and, after he had read it, it was left in my possession. This man was arrested after he had his appointment, and I had solicited for leave for him

Q Then I understand you to say, that that letter was addressed to you, by whom was it addressed to you ?

A By Mr. Elderton, or else his wife, by Mr. Elderton addressed to me, to deliver to the Duke

Q Then I understand you to say, that the letter was inclosed to you in another by Mr. Elderton, is that so ?

A Yes

Q And that in consequence of your receiving it, you delivered it to His Royal Highness the Duke of York ?

A I am positive that I shewed it him, to let him know that the man was grateful

Q Did the Duke of York return it to you ?

A After he had read letters, they used to be left upon the table, and I ought to have destroyed them

Chancellor of the Exchequer *Q* Did not you understand that Sam Carter was a natural son of Captain Sutton ?

A No, I did not. People have said so, but he told me to the contrary himself

Q Did not Captain Sutton take care of his education ?

A Captain Sutton always had the boy about him, he had several, and Sam was one, he had been very strongly recommended, I believe, by Mrs. Fitzherbert, but they denied that at one time

Q Did Captain Sutton educate the boy ?

A He was not well educated till he came to me, he used to go to school, while he was in my service, every leisure hour

Q Do not you know that Captain Sutton took care of his education ?

A I know that he took some pains to instruct him in his leisure time, he was a very good boy.

Q. Do

Q Do you know what regiment Captain Sutton was in?

A He formerly was a Lieutenant in the Grenadiers, I believe he was a Volunteer where he lost his leg.

Q You are not certain what regiment he was in?

A No, he was Deputy Fire-master at Woolwich, and had been an esteemed friend of the Prince of Wales and of the Duke of York for twelve years, but nearly died for want, except through me.

General Norton. Did you consider Samuel Carter in a light above the rest of your servants?

A Yes, I did, for he was very faithful to me.

Q In what year did Mr Elderton get the Paymastership of the Dragoons, that you spoke of?

A I cannot tell but it was before General Simcoe died.

Q You do not remember the year at all?

A No, I do not.

Q During your residence in Gloucester place, did you ever make any return of the Income Tax?

A No, I believe I did not.

Q Were you ever assessed either for your horses, carriages, or men servants?—Yes, I was.

Q Then you recollect the number?

A I used to forge the greater number of them when they were put down, conceiving they had been paid for before through the Duke, or otherwise.

Mr Lockhart. *Q* Look at that letter [the Letter to Mr Donovan, of the 28th. of January] that letter speaks of delivering some letters to Mr Wardle, in order to facilitate some negotiation? *A* I sent that letter to Mr Donovan.

Q Did you give these letters to Mr Wardle, in order to facilitate any negotiation?

A Yes, not the letters that Colonel Wardle ran away with, but letters of Field Officers to recommend two or three Lieutenants to Companies, they were to give more than the regulation, three or or four hundred pounds, I understood from Mr Donovan that Greenwood was to have some part, Froome another, himself a share, and me, these young men were to pay, I think, four hundred guineas

over the regulation, and that it was the last job Greenwood was to give Hume, that it was to complete a very old promise of the Duke of York, Mr. Donovan told me he must have the recommendation of a member of Parliament or a General Officer, to cover himself

Q If you refer to a passage in your letter, it will appear that the letters you allude to were, one in which Mr. Donovan speaks of the Queen, and in the other of two Deeneries?

A Those were the letters Colonel Wardle took away, and which I told him were in his possession, that letter I think mentions as far as that

[The passage in the Letter was read]

I had not given him those letters, he took them, and what I gave Colonel Wardle to facilitate was the other three, the Lieutenants for the Companies, and he has two or three of them now, and General Clavering the other, and when I represented one of the young men as Mr. Sumner's nephew or cousin, I believed it, because Mr. Donovan had told me so, and declared it in every way possible

Q How could the delivery of any letters whatever to Mr. Wardle, facilitate any negotiation?

A I thought that they might, because he told me that he could do it by men that were not in the opposition, because I knew that a man on that side would not do to recommend to the Duke of York any military man.

Q Who told you so?—*A* Colonel Wardle

Q What sort of negotiations did you think the delivery of these letters might facilitate?

A To get a letter of recommendation for the young men the same sort of recommendation as General Clavering was to give me for Sumner

Q You have stated, that the Paymastership procured for Elderton was previous to the death of General Simcoe, what circumstance makes you say it must have been previous to the death of General Simcoe?

A. I be-

A I believe it was General Simcoe's regiment, I know he had been applied to on the subject

Q Are you quite positive that these letters spoken of, are the letters Mr Wardle ran away with?—*A* Yes.

Sir J Sebright *Q* Did the Duke of York ever tell you at any time, that he had been informed by any person of your having received money by getting appointments in the Army?

A No, no one dare tell him so

Mr Greenhough *Q* Did the Duke of York ever inform you by what means the commissions you state have been so irregularly obtained, were made to appear regular in the books of the Office?

A No, he did not state to me that circumstance, only that he would take proper care and have them all right, and the subjects he always thought were proper when they were proposed.

[The Witness was ordered to withdraw.]

GWYLLYM LLOYD WARDLE, Esq attending in his place made the following Statement

I wish to say that I am now aware what Mrs Clarke means by her negociation. the letters that I before alluded to her having received from Mr Donovan, and my having examined him upon them in this House, were sent to her by Mr Donovan, as I understood, for the purpose of her getting them signed by a General Officer, or a Member of Parliament, she stated having sent one of them to General Clavering to be signed, the other three or four, I forget which it was, I got from her, she gave them to me, I remember her stating at the time, that if I could get a Member of Parliament to sign them for her, it would be just what Mr Donovan wanted, I said my friends were in opposition, and opposition men would not do, I kept the letters ever since, and till this moment never could make out what she meant by the term negociation.

CHANCELLOR OF THE EXCHEQUER Q Have you any objection to deliver in those letters, from which you examined Mr Donovan at the table of this House ?

A They are all on the table of the House

Q Are those letters on the table of the House which Mrs Clarke wished you to get a member of Parliament to sign ?—A No, I think not

Q Are there any letters on the table of the House which Mrs. Clarke gave to you, to procure the signature of a member of Parliament ?

A I thought they had been given in, but if they are not, I certainly will lay them on the table

Q. Have you any objection to lay on the table every letter which you got, either by violence or otherwise, from Mrs Clarke ?

A I have no objection to lay upon the table the letters in question respecting those Officers who were to have been so recommended, and all the letters that I had regard to in the statement I made to the House

[LORD FOLKESTONE having here suggested something to the witness],

SIR G HILL rose to order He said it was very irregular in any person to whisper to, or communicate in any way, with a witness under interrogation

MR WINDHAM maintained that a suggestion might be given to a Member so situated, as to what was proper for him to do, but not to direct or enable him to shape his answer

LORD FOLKESTONE stated that he conceived the examination of the witness had closed, and that what he had taking the liberty of suggesting to him, related in no way whatever to the subject of his examination. Under these circumstances he conceived he had a right to communicate with him.

Mr.

Mr WHITBREAD contended that it was consonant to parliamentary usage to do so

The CHANCELLOR of the EXCHEQUER observed, there would be no great use in discussing this principle theoretically, when there was no fact before the House. He would assert, however, that the only difference between a Member under examination and a common witness was, that the former was examined in his place, and the latter at the Bar. Now supposing a witness at the Bar under embarrassment, what would be thought of it if a person should be found to prompt him? If it were wrong in this instance, it would not be more right in a Member of that House. The difference of situation should make no difference as to the application of the principle

Mr WINDHAM contended that the arguments of the Right Honourable Gentlemen did not at all apply in this instance. The Honourable witness had a question put to him as a prosecutor, and not as a witness

Mr CANNING said, if the question was not put to him as a witness, the case was clear.

Mr. WHITBREAD would still maintain, that a Member under examination, had a right to communicate with those about him

Mr. G JOHNSTONE suggested, that as there was no question before the House, the discussion should terminate, and the Committee proceed in the business before it.

Q. Have you any objection to lay on the table every letter which you got, either by violence or otherwise, from Mrs Clarke?

A I wish the answer I have given to be repeated.

Mr. BERESFORD. Q. Are there any letters in your possession, relative to the inquiry before the House, as to the Duke of York's conduct, which you have taken from Mrs. Clarke, or which she has given to you, which you object to lay before the House?

A. I

A. I know of none such, I have no information which with propriety can be laid before this Committee, which I would withhold from them

Q. Are the letters alluded to in the letter of Mrs. Clarke, at present on the table of the house?

A. No, they are not

Mr. LOCKHART *Q.* When did you receive the Letters from Mrs. Clarke, which she mentions, in her letter of the 28th of January, to have been delivered to you?

A. I have no memorandum, I cannot speak to the time

CHARLES GREENWOOD, Esquire, was called in,
and *Examined by The Committee* as follows

Mr. Wardle *Q.* Is Mr. Froome now in your Office?

A. No

Q. Did not Mr. Froome succeed to the situation of one of your Clerks that has lately left you?—*A.* No

Q. Did not Mr. Froome come to town for the purpose of supplying the place of that clerk?

A. Mr. Froome came to town to settle some old accounts of mine as Treasurer to the Royal Military College, and not at all to take the place of that clerk.

Q. Has he settled those accounts, and if so when did he leave you?

A. He is settling them now

Q. Where does he transact the business?

A. Very near my Office at Charing-cross

General Loftus *Q.* Are you agent to the 22d Regiment of Dragoons?—*A.* No

Q. Or ever was since it was raised?

A. I think not, but I cannot positively answer to that fact.

A. Do you recollect any difference between you and the Duke of York, wherein the Duke of York applied to you to appoint a Paymaster to that regiment?

A. Cer-

A Certainly not.

Q. Is it within your power or that of any Agent to appoint a Paymaster to any regiment ?

A The power rests in the Colonel to recommend to the Secretary at War, who makes the necessary inquiries as to the securities, and then makes out the Appointment for the Commander in Chief to lay before His Majesty

Q In fact the Commander in Chief can have nothing in the world to do with it more than to lay it before His Majesty ?

A I never understood that he had.

Q Do you know Mrs Clarke ?

A I do not know her by sight.

Mr Wardle *Q* Did you ever write to her ?

A I recollect one note I did write to her.

Q Do you know a Mr Elderton ?

A I did know him.

Q No disagreement ever happened between you and the Duke of York respecting appointing Mr Elderton a Paymaster ?

A No certainly not

Q Did the Duke of York ever apply to you to appoint him ?

A Never ; the Duke of York mentioned him to me as a man that would call upon me about a Paymastership, and said that I might make inquiries about him, but never recommended him.

Q What was the occasion of that note which you mention having written to Mrs. Clarke ?

A It was in answer to a note she wrote to me, to desire my interference with His Royal Highness about a brother, I think he was, of her, she called him Captain Thompson, that 'ad been in the Cavalry

Q Do you recollect the date of that note ?

A It was not long ago, I do not recollect the date at all, I should think within a month or six weeks

Q Do you recollect, either in that note or by message, stating to Mrs. Clarke, that you were sorry she had got acquainted with Mr. Finerty ?—*A* Never.

Q. Did

Q Did you ever send any message to Mrs. Clarke by Mr Taylor of Bond Street?—*A* Never

Q How long was Mr Froome in your Office before the first time he and you parted?

A I really cannot recollect but he has left my Office for I should suppose four or five years, I cannot recollect particularly, it was at the time I discovered he was trading in Commissions that I discharged him

A Is not Mr. Froome on the half pay?

A. I believe he is.

Q Is he a Captain on the half pay?

A No, I think only a Lieutenant

Lord Folkestone *Q* How did you send that note which you wrote to Mrs Clarke?

A I sent it by Mr Taylor, I think -

Q Mr. Taylor the shoemaker?—*A* Yes

Q Are you acquainted with Mrs Sinclair Sutherland?

A I knew her some years ago.

Q. How many years ago?

A. I should think six or seven years ago; I have seen her since.

Q, Have you seen her often since?—*A.* No.

Q Have you seen her lately?—*A* No.

Q How lately have you seen her?

A. I do not think I have seen Mrs. Sinclair these two years.

Q On what occasion did you last see her?

A Mine was a visit of civility, I believe, I had no particular object in it

Q Did you call upon her?—*A* Yes.

Q Have you kept up your acquaintance with her from the first origin of that acquaintance?

A I have very little acquaintance with Mrs Sinclair, I do not suppose I ever saw Mrs Sinclair a dozen times in my life

Q What led to that acquaintance?

A I believe that the first acquaintance I had with
Mrs.

Mrs Sinclair, was from hearing a friend of mine speak of her

Q Did you become acquainted with her through any intimacy between Duke of York and her ?

A I certainly was acquainted with her more from that circumstance

Q Then you are aware she was intimate with the Duke of York ?

A I am aware that the Duke of York knew her, I am not at all aware that the Duke of York was intimate with her

[The witness was ordered to withdraw.]

The CHANCELLOR of the EXCHEQUER objected to this mode of examination, and a conversation of considerable length took place whether Mr Greenwood should be further examined on this point.

The CHANCELLOR of the EXCHEQUER, Mr BERESFORD and others contended that he ought not to be examined as to the general character of a Lady who was not before the House, and whose credit ought not to be impeached when it was not in question on the present subject. It was on the other hand insisted on by Lord FOLKSTONE, Mr C WYNNE, Mr. WINDHAM and others, that, as it appeared her recommendation had been attended to by the Duke of York, it was proper and necessary the witness should disclose what he knew to be her general character, and it was at length decided, after Lord FOLKSTONE had agreed to withdraw his last question, that the witness should again be called

in

[The witness was again called in]

Lord Folkstone. *Q* Do you know of any connection ever subsisting between the Duke of York and Mrs Sutherland ?

A.

A I have heard that there was.

Q. Has any fact ever come to your knowledge which enables you to state, of your own knowledge that such a connection ever had existed?

A I have heard Mrs Sinclair herself say so.

Q Did you ever hear Mrs Sinclair state that she was with child by the Duke of York? *A* Yes

[The witness was directed to withdraw.]

[The Witness was again called in]

Q Did you ever know of a house being hired at Hamburgh for Mrs Sutherland to lie in?

A No.

Q Do you know of any measures that were taken to hire a house for that purpose?—*A* No.

Q Can you to your own knowledge speak to Mrs Sinclair having got a troop from the Duke of York, for a friend of her's?

A Certainly not.

Q Did you ever correspond with her on the subject of a troop that she had applied for?

A No, I think not, it is so long since, to the best of my knowledge not

Q Can you speak positively to that fact?

A I can speak positively to never having had any conversation with the Duke of York

Q Do you recollect writing to Mrs Sinclair up on any military matters?

A I recollect she wrote to me relative to a son of the late General Debbidge, upon the subject of promotion, which I did not apply for, and I think she wrote to me about obtaining leave of absence for him, which, being in the natural course of my business, I think I did obtain for her, but I cannot speak with certainty

Q. State whether of your own knowledge Mrs Sinclair was given to understand that Officer was promoted through her application?

A Cer-

A. Certainly not.

Mr C. Adams. *Q* You have stated, that you sent a note to Mrs Clarke by Mr Taylor, who is Mr. Taylor?

A. A shoemaker, in Bond-street.

Q How happened it that you employed such a messenger?

A. She sent him to me.

Q. Had you ever any other communication with Mr. Taylor?

A. I have seen Mr. Taylor several times on other business.

Q. Is Mr. Taylor your shoemaker?—*A* No

Q Have you ever had any correspondence by letter with Mr Taylor?—*A* No

Sir J Sebright, *Q* You have stated in the early part of your examination, that the Commander in Chief told you that Mr Elderton would probably call respecting a Paymastership, and requested you to make inquiries, did you make any inquiries?—*A* Yes

Q. What was the result of those inquiries, and was he appointed to the Paymastership?

A. The result of those inquiries was that I put him down in my list as a candidate for a Paymastership.

Q. Was he appointed to a Paymastership?

A Upon a vacancy happening in Sir Robert Abercrombie's Regiment, thinking him a very proper man for the appointment, I wrote to Sir Robert Abercrombie about him, and he recommended him to the Secretary at War. May I beg leave to correct an answer I have just given, respecting my correspondence with Mr Taylor there were two or three questions I thought it necessary to put to him knowing he had paid some money on the Duke of York's account for Mrs Clarke, I put three questions to him, which he answered satisfactorily, if that is to be called a correspondence, I have had correspondence with him

Sir R. Williams *Q* Do you know of any large sum of money being paid by His Royal Highness the Duke of York to Mrs Clarke, during her residence in Gloucester-place?

No. XVIII. V. 2.

G

A No

A No large sums ever went through my hands to Mrs. Clarke, nor any sum whatever

Mr C Adams *Q* You admit that you have had some correspondence with Mr Taylor, when did that correspondence take place ?

A A few years ago.

Q You do not recollect at any other time having had any correspondence with Mr Taylor ?

A No, certainly not

Q Did you send an answer to Mrs Clarke by Mr. Taylor, in consequence of the letter having been brought by him ?

A Certainly

Sir A Wellesley *Q* You stated that you recommended Mr Elderton to Sir Robert Abercrombie for Paymaster, had you any knowledge of Mr. Elderton previous to the Duke of York's mentioning him to you ?

A I believe he had applied to my office for a Clerkship, but I am not quite clear as to that point, I made several inquiries in consequence of His Royal Highness's recommendation

Q Were the inquiries which you made satisfactory ?

A They were satisfactory in the first instance, but sometime afterwards, on further inquiry, I was by no means satisfied, and I wrote to Sir Robert Abercrombie to that effect

Q What inquiries did you make that caused dissatisfaction ?

A I made some inquiries, besides a representation I had from Bristol, where Mr Elderton had lived, of some improper conduct there.

Q What was the consequence of these discoveries you made respecting Mr Elderton ?

A Representing the same to Sir Robert Abercrombie, in order to stop the recommendation.

Q What was the effect of that communication ?

A It was delayed for a time, afterwards, to the best of my recollection, Mr. Elderton wrote himself, or got some friend to apply to Sir Robert Abercrombie, and Sir Robert Abercrombie

Abercrombie afterwards recommended him to the Secretary at War.

Q Do you know what those recommendations were, or from whom they came ?

A I really do not.

Q Were the objections removed solely by the recommendation of Sir Robert Abercrombie ?

A I believe entirely.

Mr Abercrombie Q After those objections had been made, did any conversation take place between His Royal Highness the Duke of York and yourself upon the subject ?

A Certainly none.

Q How do you know that any subsequent recommendation was made to Sir Robert Abercrombie ?

A I think I have letters from Sir Robert Abercrombie to prove that. [The Witness was directed to withdraw.

Colonel GORDON was called in, and
Examined by the Committee, as follows.

Lord Folkestone Q Have you brought with you the documents respecting the proposed exchange between Colonel Knight and Colonel Pleydell ?

A. Yes, I have them in my hand.

[Colonel Gordon delivered in several papers which were read as follows.

“ C L ”

“ The Com in Chief cannot accede to the request of
“ these Officers Lieutenant Colonel Pleydell must
“ Refused.” “ remain in the Regiment to which he has been post-
“ ed ”

“ Messrs Collyer have the honour of transmitting Colonel
“ Gordon the Memorials of Majors Knight and Pleydell to ex-
“ change.”

“ Park-place, St James's, 27th May 1805 ”

“ Horse Guards, 28th May 1805 ”

“ GENTLEMEN,
“ Having laid before the Commander in Chief your note of the
G 2 “ 27th,

" 27th instant, I am directed to acquaint you in reply, that His
" Royal Highness cannot accede to the exchange therein pro-
" posed, between Major Knight of the 5th Dragoon Guards and
" Bt Lt Colonel Pleydell of the 59th Regiment of Foot, and
" Lieutenant Colonel Pleydell must remain with the corps to
" which he has been posted

" I am, Sir,

" J W Gordon."

" The Inclosures in your Letter are herewith returned."

" Messrs Collyer "

" H R H has no objection to his receiving a difference, and
" when an eligible successor can be recommended, H. R H will
" take it into consideration "

" No 35, Maddox Street, Hanover-square,

" Sir,

June 19, 1805 "

" His Royal Highness the Commander in Chief not having
" acceded to my exchanging with Lieutenant Colonel Pleydell,
" I fear my motives for wishing to return to the Infantry may
" have been misrepresented to His Royal Highness

" I therefore take the liberty of stating them to you, and re-
" quest the favour of you to submit them to the consideration
" of His Royal Highness

" I am desirous of returning to the Infantry, with a view to
" receive back the difference, to enable me to arrange some
" pecuniary concerns which press upon me at this moment,
" and in case His Royal Highness should be graciously pleas-
" ed to acquiesce, I intend to solicit the further indulgence of
" a temporary retirement upon half-pay for the recovery of
" my health, which is much impaired by a service of 20 years
" in the West Indies, in Holland, in Egypt, and elsewhere,
" and as I do not mean to solicit H R H's permission to
" receive the difference between full and half-pay, I flatter
" myself H R H when my health is re-established, will con-
" sider my past services, and allow me to return to a service,
" which I never can quit for a moment without the deepest re-
" gret

" And in case H R H should have no person in view to
" succeed me in the 5th Dragoon Guards, I humbly beg leave
" to submit the name of Brevet Lieutenant Colonel Brool of
" the 56th Regiment (an old Cavalry Officer) who has written
" to me on the subject

" I have the honour to subscribe myself, Sir,

" Your obedient humble servant,

" H R Knight "

" To Co^l Gordon.
&c. &c &c."

" Major 5th Dragoon Guards and Bt
Lieutenant-Colonel."

" Sir,

" Horse-Guards, 21st June, 1805 "

SIR,

" Having laid before the Commander in Chief your letter of
" the 19th instant, I am directed to acquaint you, that His Roy-
" al Highness has no objection to your exchanging to the In-
" fantry, receiving the difference, and when an eligible
" successor can be recommended, your request will be taken
" into consideration

" I have, &c

" J W Gordon."

" Bt Lieutenant Col Knight, 5 Dragoon Guards,
" 35, Maddox-street, Hanover-square "

Q. Are you acquainted with Major Turner ?

A I was acquainted with him.

Q. What was the period of your acquaintance with him?

A, I think it was in the year 1803.

Q When was the last time that you saw him previous to his sending his resignation ?

A I cannot recollect the precise day, but it was a very short time before he gave it in, he called upon me, and stated his intention of so doing

Q Did he solicit any other situation ?

A No, I cannot recollect that he did

Q Did he request to be put upon the Staff of the Army serving in Spain ?

A I do not recollect that he did, it is very possible that he might, but I do not recollect that he did

Q. Did he state to you the reason for which he intended to resign ?

A Yes, he certainly did

Q What were those reasons ?

A Major Turner called upon me, and told me, it was his intention to give in his resignation, and retire from the Army, I expressed some surprize at this, having had some previous acquaintance with him, and told him, I think, that he had better consider of it before he took so decided a step. I think Major Turner told me, he had got into some unfortunate scrape with a woman, and it was necessary for him to quit the service, the exact words I do not recollect, but

that was the tenor of the conversation that passed between us There was very little more or less

Q Did he state the nature of the scrape?

A No he certainly did not, but I have some recollection, that he was about to do it, and that I stopped him, as my custom is, not wishing to enter into the private affairs of Officers more than is necessary

Q Did he state the name of the Lady?

A I am pretty confident he did not

Q When the application was made for the exchange between Colonel Knight and Colonel Pleydell, were the usual inquiries made, and were they acted upon?

A This is rather an embarrassing question, I should answer it in this way, that the Commander in Chief did not think Colonel Pleydell a proper officer to be placed at the head of a regiment of Cavalry

Mr Creevey Is it your belief, that, upon a complaint made from any quarter against any Officer who was soliciting either for exchange or resignation, that complaint being, that the Officer had behaved dishonourably by a Lady, that would lead to an inquiry on the part of the Commander in Chief?

A That would depend very much upon the mode in which the complaint was made, the complaint in question stated, that the General knew all about it, inquiry was therefore made of the General, before any decision was given upon it

Q Did it ever come within your knowledge that any resignation had been stopped, or any proceedings taken at the Commander in Chief's Office, in consequence of an anonymous letter?

A I cannot exactly say that a resignation had been stopped, but this I can say, that all anonymous letters are invariably attended to.

Q Is it not the invariable practice of the Commander in Chief to forward all anonymous letters, conveying complaints or any circumstances attached to the Army, to the Generals commanding the districts or the Officers commanding

manding regiments, concerning which, complaints may be conveyed in those anonymous letters ?

A I have already said that anonymous letters are always attended to, and are sent for inquiry in their proper course, they happen almost daily

[The Witness was directed to withdraw.

[General NORTON briefly stated that he had known a similar case, in which all the circumstances took place, as in the case alluded to]

General ROCHFORD was called in, and
Examined by the Committee as follows.

Q Do you recollect a person of the name of Samuel Carter, that lived with Captain Sutton ?—*A*. I do.

Q Do you happen to know whether Samuel Carter was reputed to be the natural son of Captain Sutton ?

A. I always understood that he was.

Q. Did he live with him as such ?

A He lived with him as such, as it appeared to me.

Q. You knew Captain Sutton ?—*Q* Very well.

Q He brought him up as his son ?

A Yes, he did, to the best of my knowledge.

Q. Did he give him a good education ?

A I believe the best education he could, he was very capable of educating him himself, and I believe he took a great deal of pains with the boy

Q Was he in the habit of dining at Captain Sutton's table ?

A. I cannot tell, I never dined with Captain Sutton at his house.

Q When did Captain Sutton die ?

A I cannot exactly say, two or three years ago I believe

[The Witness was directed to withdraw.

Lord FOLKESTONE stated to the House, that Duff, one of the

the parties whom he had that evening mentioned to the House as having papers in his possession, which came into his hands through the medium of one Kennett, in the City had, since he addressed the House, called him into the Lobby, and informed him, that he was willing to deliver up the papers. He had seen some of them, which he had communicated to the Right Honourable Gentleman opposite,* who concurred with him in thinking they were worthy the observation of the House. The person who had them having mentioned it would be inconvenient to him to attend that evening, he had dispensed with his further attendance. He had accordingly promised to bring him the papers to-morrow morning, and he would call the attention of the Committee to them at their next meeting.

The CHANCELLOR of the EXCHEQUER said, he apprehended the Committee would proceed next day (being then One o'clock in the morning), and they should be able to finish the business.

The House being resumed, the CHAIRMAN reported progress, and asked leave to sit again, which was ordered.

Mr. WHARTON brought up the Minutes of Proceedings, which were ordered to be printed.

On THURSDAY, the 16th of FEBRUARY

Lord FOLKSTONE moved, that W. Meilish, Esq. a Member of the House, do attend in his place, that evening to give evidence before the Committee on the Charges against his Royal Highness the Commander in Chief. Also that Mr Greenwood, Colonel Taylor, and Mr. Kennett, do attend to give evidence before the said Committee—Ordered!

On the motion of Sir James Hill, it was also ordered that Mr and Mrs. Corri do attend the same day on the said Committee.

* The Chancellor of the Exchequer.

LORD FOLKSTONE moved that Mr Chapman, first Clerk in Lord Castleleagh's Office, do attend the Committee, also, that the Right Honourable Charles Long do attend in his place on the same day, to give evidence before the Committee.

LORD H. PETTY stated, that an application had been made to him on behalf of a Gentleman of the name of Tyndale, a Solicitor, in Lincoln's Inn Fields, who was a very respectable Gentleman, begging that it might be explained to the House that he was not the person referred to in the evidence of Mr. Maltby, given before that House

THE CHANCELLOR of the EXCHEQUER said, he believed it was in evidence that the person referred to did not reside in Lincoln's Inn Fields, but in Symond's-row, Chelsea

MR BANKES stated, that the person alluded to, and who resided in Symond's-row, Chelsea, had not been forthcoming this day, when summoned before the Committee on East India Offices

The House then went into a Committee on the motion of Mr. WARDLE.

[MR WHARTON, in the CHAIR]

MR BANKES immediately rose and stated, that he had this moment learned that the person of the name of Tyndale, to whom he had before alluded, had arrived after the Committee, before whom he was summoned, had broken up, and that he would give attendance on the same Committee to-morrow

LORD FOLKSTONE then addressed the chair, and observed that—Before he should proceed to call witnesses in support of the charge now to be brought forward, it would be necessary for him to state what was the purport of the inquiry. It would appear from the evidence
evidence

dence to be adduced, that in the year 1804 a negotiation was set on foot by his Royal Highness the Duke, for raising by way of annuity, the sum of 70,000 or 80,000l, and that the person engaged in that transaction was a person of the name of Kennett, who was at the time an Upholsterer, in Bond-street.—The treaty went on for a considerable time—at the same time there was a concurrent negotiation on foot for obtaining for Mr Kennett a situation under Government, and various attempts were made by the Duke of York, to obtain, through the means of Mr Pitt and others, various situations for him, particularly in the West Indies. It would appear to the House from the evidence to be adduced, that the advance of the sum of money before stated, was absolutely dependent on the procuring of that place, and a Letter from the private secretary of the Duke of York would be produced, acknowledging the receipt of a Letter to this effect, without expressing any disapprobation of the proposal. Thus it would appear to the House that the advance of the money in question to his Royal Highness was to depend on his procuring for Kennett the situation there alluded to. The Noble Lord had thought it necessary to call various witnesses in support of this case, and among others Colonel Taylor, then his Royal Highness's private Secretary, who would prove his own hand-writing to the Letters in question. His Lordship proposed that Mr Duff should first be called in.

The CHANCELLOR of the EXCHEQUER did not mean to oppose the Noble Lord's going into the case he had just stated. He begged it to be observed, however, that it was not an inquiry which could be said to come fairly under the cognizance of the Committee, not being one which attached to him as Commander in Chief, or to any other person over whom in that situation he could be said to have any controul. Neither was it any thing connected with Mrs Clarke, and which might therefore, by possibility, be brought to bear on his Roy-

al Highness He was convinced, however, that it would be more congenial to the feelings of the Duke of York, that the question should be gone into, rather than that the inquiry should be stifled For that reason he had no objection to the Noble Lord's proceeding to call his witnesses

Lord FOLKSTONE could not see that the Right Honourable Gentleman's observation as to Mrs Clarke had any bearing on the question On the other point he perfectly agreed with the Right Honourable Gentleman, and to get the better of any objection on that head, had yesterday suggested the propriety of extending the powers of the Committee so as to cover the case in question

Mr CREVEY stated, as there might be some doubt to which of the Baroness Nolleken's sons the evidence of Mrs Clarke given at the bar yesterday applied, he had been requested by Mr Le Maitre, her son by the first marriage, to state that he had no intimacy whatever with Mrs. Clarke He was in waiting, if the House chose to examine him on this point This the House did not think necessary

Mr. ARCHIBALD DUFF was called in, and
Examined by The Committee, as follows

Lord Folkstone — Q. What are you ?—A A Solicitor

Q Do you know any thing of Robert Kennett ?

A I am a Solicitor to the Commission of Bankruptcy against him

Q At what time did that bankruptcy take place ?

A. Sometime in the year 1803

Q In consequence of being Solicitor to that Commission of Bankruptcy, have certain papers relative to this Inquiry come into your possession ?

A In consequence of the Bankrupt's papers having been seized by the Messenger under the Commission, I have become

become possessed of certain letters, which I have now in my pocket

Q. Produce those papers.—[*The Witness produced them*]

Q. When did those papers come into your possession?

A. I cannot ascertain the time, sometime I think about the latter end of 1805, or sometime in 1806

Q. Have they been in your possession ever since?

A. They have

Q. Are those all the papers in your possession relative to this business?

A. They are all the papers which I have been able to find among the Bankrupt's papers, in which, in any manner, the name of His Royal Highness the Duke of York is mentioned

Q. Did you at any time state, that you believed there was a paper in your possession which you could not readily put your hand upon?

A. I stated last night to Lord Folkstone, while I was in attendance at this House, that I believed there was a paper, which I could not readily put my hand upon, but to-day I communicated to Lord Folkstone that I had every reason to believe that that paper was not in my possession, and that the recollection of that paper must have arisen from one of the Bankrupt's letters, which is now in the Clerk's hand

Q. Do you mean by not being in your possession, that paper did not exist, that there was no such paper?

A. I stated to Lord Folkestone then, as I now do, that I believed there was no such paper

Q. Are you acquainted with the hand-writing of Kennet?

A. Perfectly well

Q. Look at those papers, and see whether any of them are the hand-writing of the bankrupt Kennet?

A. No. 2 is his hand writing.

Q. Look at No 12., is that the hand-writing of Kennet?

A. No, 12. contains two papers, one is Kennet's hand-writing and the other is not.

Q. What are those papers?

A. They appear to be respecting appointments at Surinam, which have resulted from the surrender of that Colony.

Q. Is

Q Is that the paper which is Kennet's hand-writing?

A Yes

Q Do you know whose hand-writing the other is?

A I do not.

Q Is N^o 14 in the hand-writing of Kennet? A It is.

Q Is N^o 17 in the hand-writing of Kennet?

A No 17. contains two papers, one is not in the hand-writing of Kennet, the other is

Q What is the paper which is in the hand-writing of Kennet?

A That which is in the hand-writing of Kennet appears to be an application from him to Mr Greenwood, for Mr. Adam's address in Scotland

Q Do you know whose hand-writing the other paper is?

A N^o

Q Is No 18 the hand-writing of Kennet? A Yes, it is

Mr. Vansittart Q You have stated, that there was a paper which you have not in your possession, and which you believed not to exist, to your knowledge, was such a paper ever in existence?

A I was led to believe that such a paper had existed, from a distant recollection of having read the paper some time ago, but upon referring to the papers again to-day, and the place in which I found them, namely, the Bankrupt's desk, I am satisfied that no such paper ever was in my possession, and that the only circumstance which could have led me to that belief was the Bankrupt's letter, No. 18, and so I stated to Lord Folkstone to-day.

Q. Is the Committee to understand that you believe that paper never to have been in existence?

A I believe it never did exist

Mr. Wilson Q What business was Kennet?

A Kennet was formerly an Upholsterer in Bond-street; he was, at the time when the Commission issued against him, living in Lincoln's Inn Fields, and carried on, or pretended to carry on, business of tooth-ach curer, curing the tooth-ach by smelling a bottle.

Q. Did he ever obtain his Certificate under that Commission? A Certainly not.

No. XVIII V 2.

H

Q. Did

J. Q. Did he pass his last examination under that Commission ?

A. He did, after a vast number of examinations, and numerous delays

Q. Do you know what is become of Kennet now ?

A. I know not, I saw him about a month ago.

Lord Folkstone Q. Do you know any thing particular that has occurred to Kennett since the Commission of Bankruptcy ?

A. I know what his Lordship alludes to, but I wish the Question was more particular, and not so general.

Q. Did he ever stand in the Pillory ?

A. He was prosecuted by order of the Lord Chancellor, at the instance of His Majesty's Attorney General, for a conspiracy to defeat that commission, and cheat his creditors, under that prosecution he was found guilty, and was put in the Pillory

Q. Had he been a Bankrupt before the bankruptcy to which commission you were Solicitor ?—*A.* He was.

Q. State the dates of both bankruptcies

A. I cannot with precision

Q. Can you state the date of the second bankruptcy with precision ?

A. To the best of my recollection, the 23d of April 1803

Q. Can you state in what year the first bankruptcy took place ?

A. I think (but I cannot charge my memory with precision) in the month of January 1801.

[The Witness was directed to withdraw

[*Lieut Colonel Taylor* was next called]

THE CHANCELLOR OF THE EXCHEQUER stated that an express had been sent for him to Windsor, but he had scarcely yet had time to arrive

LORD FOLKSTONE said he only wished to prove the Colonel's hand-writing, which he presumed even the Right Honourable Gentleman could be at no loss to do

THE

THE CHANCELLOR OF THE EXCHEQUER said, he never saw Col Taylor write, and therefore should not wish to swear to his writing

EDWARD TAYLOR, Esq a Member, brother to Colonel Taylor attending in his place, was Examined by The Committee as follows:

Lord Folkstone. Will you look at No 3. and state whether that is Colonel Taylor's writing?

A. Yes, it is.

Q Is No 6 Colonel Taylor's hand-writing?

A Yes, it is

Q No 8 ?—Yes, it is

Q No 9 ?—*A* Yes, it is.

Q No. 10 ?—*A* Yes, it is.

Q No 13 ?—*A* This is not his hand writing.

Q. Does it purport to be?

A It is written in his name, but it is not his hand-writing.

Q. No. 20. ?

A. The note is; there is an enclosure with it, which is not.

Mr ARCHIBALD DUFF was again called in, and Examined by The Committee as follows.

Q Whose hand-writing is No. 13?

A I do not know

Q It is not the the hand-writing of Kennett?

A It is not.

[The witness was directed to withdraw.

[Lord FOLKSTONE I believe I must trouble the Honourable and learned Gentleman, Mr. ADAM]

WILLIAM ADAM, Esq. attending in his place, was Examined as follows:

Q Look at No 4. is that your hand-writing?—*A* Yes

Q No 5.?

A. It is not my hand-writing, but it was written at my dictation.

Q No 19?

A. This is my hand writing

The Right Hon. CHARLES LONG, attending in his place, was Examined as follows.

Lord Folkstone Have you ever seen Mr Adams, once private Secretary to Mr Pitt write?—*A* I have.

Q Can you speak to Mr Adams's hand-writing?

A I can

Q Look at No 11.

A That is not his hand writing, it purports to be a copy.

Q. Is No 15 your hand-writing?

A No 15 is my hand writing, No. 16. I cannot speak to.

WILLIAM HUSKISSON, Esq attending in his place, was Examined by The Committee, as follows:

Lord Folkstone — *Q* Will you look at No. 21?

A. I have frequently seen Mr Chapman write, and, to the best of my belief, this is his hand-writing.

[The following Papers were then read]

No 2

“ The principal sum of seventy thousand pounds to be advanced to His Royal High the D of York, by way of Annuity (at Ten per cent) either in One or Two parts, as shall be approved by H R H in the following manner, viz

“ The said sum or sums to be charged on the Oatlands and all the adjoining Estates, Manors, &c

“ The Purchaser to nominate any Two lives (in order to save Insurance) H R H to be at liberty to pay off the principal sum or sums any time after three years (in the usual way) “ either

“ either by giving six months notice or paying six months in advance ”

“ The Annuity to be payable quarterly, either by an assignment of the Exchequer Order, or an undertaking from the Trustees of the said Order to pay the same ”

No. 6

“ Lieut Colonel Taylor presents his compliments to Mr Robert Kennett, and begs to acquaint him, that His Royal Highness the Duke of York has not any objection to writing to Mr Pitt respecting the application which Sir Horace Mann has made in his favour ”

“ Oatlands, Sunday, 22d July 1804. ”

No. 3.

“ Lieut Colonel Taylor presents his compliments to Mr Kennett, and is directed by His Royal Highness the Duke of York to request he will call upon Mr Adam, in Lincoln's-Inn Fields, upon Wednesday morning next. ”

“ Oatlands, July 29th, 1804 ”

Addressed,

“ Robert Kennett, Esq 13, Moore-place, Lambeth ”

No. 5

“ Mr Adam's compliments to Mr Kennett, and means to see him on Tuesday evening, before which he cannot be in town ”

“ Lincoln's Inn, Thursday ”

“ Addressed Mr Kennett ”

No 4.

“ Mr Adam is sorry that his Business elsewhere detained him yesterday He will be glad to see Mr Kennet here to-day at eleven o'clock ”

“ Lincoln's Inn, Thursday Morning, 2d August ”
addressed

“ Mr Robert Kennett, 13 Moore-place, Lambeth. ”

HENRY SWANN, Esq a Member of the House, attending in his place, was Examined as follows :

Q. Have you ever seen Sir Horace Mann write ?

A. I have seen Sir Horace Mann write very often

Q. Will

Q Will you look at No 7 and state whether it is Sir Horace Mann's writing?

A. I will certainly admit that it very much resembles the hand-writing of the Honourable Baronet, but though it does so resemble it, it is not the usual mode of that Honourable Baronet's signing his name, for it is signed 'H Mann,' and I very frequently correspond with him, he signs "Hor Mann"

Q. Do you believe that to be hand-writing of Sir Horace Mann?

A It has something of the character of the hand-writing of Sir Horace Mann.

Q. Do you or not believe that to be Sir Horace Mann's hand-writing?

A. I certainly believe it is

Q Will you look at No 16, is that Sir Horace Mann's hand writing?

A. I do not think it is, I believe it is not

No. 7

"—I shall rejoice sincerely at your success, if it can be an
" object with you to obtain a situation in such a climate The
" channel you mention may be more efficacious than the exer-
" tion of my interest, which I will strenuously renew if it is ne-
" cessary, when I see a prospect of success

" Yours faithfully,
" H Mann "

" Margate, July, 22d "

Addressed,

" Robert Kennett, Esq

" No 13, Moore-place, Lambeth "

No 8

" Sir,

" Oatlands, July, 16th 1804 "

" I beg leave to acknowledge the receipt of your letter of yes-
" terday, which I lost no time in laying before the Duke of York,
" I am in consequence directed to request you will have the
" goodness to call upon Mr Greenwood in Craig's-court, on
" Wednesday next, at twelve o'clock, H R P having desired
" him to communicate with you on the subject of your letter
" I have the honour to be, Sir, Your most obedient Humble
" servant

" H Taylor "

No. 9.

No 9

“ Lieut Colonel Taylor presents his compliments to Mr
 “ Kennett, and begs to acquaint him, that, having called this
 “ morning upon Mr Pitt’s private Secretary for the answer to
 “ H R H’s application in his favor, he has been promised
 “ that it will be sent in the course of the day, if possible, and
 “ he will forward it, as soon as received, to Mr Kennett ”

“ *Horse Guards, Thursday Morning* ”

Addressed,

Robert Kennett, Esq.

No 10

“ Lieut Colonel Taylor presents his compliments to Mr
 “ Kennett, and is directed by the Duke of York to transmit to
 “ him a copy of a letter from Mr Pitt’s private Secretary, in
 “ reply to the application which H R H made in Mr Ken-
 “ nett’s favor for the Collectorship of the Customs at Surinam,
 “ which answer H R H regrets is not conformable to his
 “ wishes. Colonel Taylor would have sent it earlier, had he not
 “ been absent from London when it was sent to the Horse
 “ Guards ”

“ *August 7th 1804* ”

No. 11

“ *Downing-street, Friday, 3d August 1804* ”

“ My dear Sir,

“ I have not failed to state to Mr Pitt the wishes of His Royal
 “ Highness the Duke of York, communicated through you,
 “ that he would nominate Mr Kennett to the office of Collector
 “ of His Majesty’s Customs at Surinam, and I am directed to
 “ request that you will submit to His Royal Highness, that, de-
 “ siring as Mr Pitt must at all times be to attend to His Royal
 “ Highness’s commands, he is fearful that, from prior engage-
 “ ments, he is so circumstanced as not to have it in his power to
 “ do so on the present occasion

“ I am, &c

Addressed,

“ *W. D. Adams* ”

“ *Lt Colonel Taylor* ”

No 12.

SURINAM

“ The following Appointments have resulted from the Surren-
 “ der of this Colony, viz
 “ Sn C Green, to be Governor and Commander in Chief.
 “ Captain Drummond, 2d Bat 69th Regiment Brigade Major
 “ Captain

" Captain Campbell, 66th Regiment Com of Fort Zelandria
" Captain Maxwell, P N Harbour Master
" G Chalmers, Esq Collector of the Customs.
" Laur Donovan, Esq Comptroller of ditto
" J Bent, Esq Army Agent and Cont for Prisoners.
" ——— Pingle, Esq Colonial Secretary
" R Ross, Esq Private Secretary
" D. Monro, Esq President Commissary
" R A Hyndman, Esq Resident Paymaster
" Lieut Rowan, 64th Regiment Aid-de-Camp.
" Lieut Imthurn, 2d Battalion 60th Regiment Military secre-
" tary, Vendue Master at a per Centage, on the same footing
" as at Demerara "

The Right Honourable CHARLES LONG attending
in his place, was Examined as follows

Q Do you recollect ever writing a Letter of which
No 15 purports to be a copy ?

A I have no recollection of it, it is very likely I might
have written such a letter, it does not appear to be a very
accurate copy, it is dated " Bromley Park," I never
dated Bromley Park, but Bromley Hill

[The following paper was read. No 15 Letter from Mr
Long]

No. 15.

" Bromley Hill, Kent, August 20th

" Sir,

" I am sure Mr Pitt would have been very happy to have at-
" tended to your request respecting Mr Kennett, but I know
" upon the application of the Duke of York, he was informed that
" the office of Collector had been appointed to —As to the other
" office, having received a letter written by the desue of H R
" the Duke, I made enquiry respecting it, and I do not find
" that there is any such office as Assistant Commissary and Agent
" for Prisoners, (or Commissary Gen as it was called in the
" Duke's letter) to be appointed from hence, the Commissary
" Gen in the West Indies, Mr Glassford, recommends such De-
" puties as he finds necessary for conducting the business of his
" Department, and they are usually appointed by the Treasury
" in consequence The office of Agent for Prisoners I conceive
" to be under the direction and appointment of the Transport
" Board

" Believe me Sir, most faithfully yours,

" C Long."

Q (To Mr. Long) Can you state to whom the letter just read was written?

A It appears to be in answer to that Sir of Horace Mann, but I cannot state whether it was so or not

No 17

" R Kennett will be obliged to Mr Greenwood for Mr
" Adam's Address in Scotland, and if he can inform him about
" what time he will return
" Saturday Morning "

Address,
" Wm Adam, Esq Blair Adam, N Britain

No. 19.

" Blair Adam, 4th Oct 1804, Scotland."

" Sir,

" I wrote to Mr Greenwood, who would probably signify
" that I had received yours, and would go forward with the
" business as soon as I returned to town; I now (in case your
" not being at a certainty) write to yourself, to say, that I
" shall desire to see you as soon as I return to town, which
" will be the middle or soon after the middle of this month.

" I am, Sir, Your obedient humble servant,
" William Adam."

Addressed,

" Mr. Leppell

" 15 Moore Place, Lambeth "

No 20

" Lieutenant Colonel Taylor encloses, for Mr. Kennett's per-
"usal, a letter from Mr Chapman, and is very sorry to find
" from it that the situation of Vendue Master is disposed of
" Mr Chapman has been out of town, which accounts for the
" delay, in regard to the receipt of the information now given
" Should Mr K wish to see Colonel T he will be here to-mor-
"row between three and five o'clock "

" Horse Guards, 22d Nov 1804 "

No 21

" (Private)" Downing-street, 22 Nov 1804."

" DEAR TAYLOR,

" Lord Camden desires me to request you will express to the
" Duke

" Duke of York his great regret, that the office of Verduce Master of Surmains was disposed of before you communicated His Royal Highness's wish in favour of Mr Kennett

" Believe me, very sincerely yours,

" James Chapman "

" I should have given you an earlier answer, but have been out of town "

Addressed,

" Lieutenant Colonel T aylor,"

in an envelope, to " Mr Kennett, &c &c.

Lieutenant Colonel TAYLOR was called in, and
Examined by The Committee, as follows :

Lord Folkstone Q Look at that letter (No 8) Is that your hand-writing ? A Yes, It is

Q Peruse the letter, and state to whom it was addressed

A. I believe to Mr. Kennet, from what I have heard of this business there is no address.

Q Peruse No 13, and state to the Committee, whether you ever wrote the letter of which that purports to be a copy ? A. I believe I did.

Q. Peruse No. 18. and state whether you ever received the letter of which that purports to be a copy ?

A. I think I did.

Q. Have you the letter which you received, of which you believe that to be a copy ? A I have not.

Q Do you know what is become of it ?

A I believe I destroyed it

Q It appears as if this was a draft of two distinct letters , do you mean that any letter you have received contained both those letters, or only one of them

A. I can only speak from memory , I think the transaction was in 1804 , it is impossible for me to charge my memory accurately respecting it , I have kept no papers upon the subject

Q Which of the two letters do you think you received a copy of ?

A. There is one of the letters I can read with difficulty ;
it

it is erased, and there are pencil-marks in it , I believe them to be two distinct letters

Q Did you receive both ?

A I believe I did, I can only speak from memory.

Q You destroyed both that you received ?

A. I am confident I destroyed all I received

Q One of these appears to have part written in pencil and part in ink , can you charge your memory whether that which you received had that written in pencil or that written in ink ?

A I cannot charge my memory

[The following papers were then read]

No 13.

“ Colonel Taylor presents his compliments to Mr Kennett, and is extremely sorry that he could not wait, as the Duke’s carriage was waiting for him He is directed by H R H to say, that he will apply for the situation of Assistant Commissary General, &c &c at Suinam, but that he will be able to do it with more effect if Sir H Mann will write to H R H recommending Mr Kennett ”

“ Horse Guards, August 15th ”

“ Robert Kennett, Esq &c.

No 13

“ Moore Place, Lambeth, Sep 16, 1804 ”

“ Sir,

I called

“ I did myself the pleasure of calling on Mr Greenwood yesterday, respecting the Loan to His Royal Highness, and of my intention to write to Mr Adam which I did by last night’s post, wherein I requested Mr A to say, if I could forward the business in any way previous to his return to town

“ I beg leave, Sir, also to observe, I was with the Gentleman yesterday in the City, respecting the business of Suinam, and *and I still flatter myself with the possibility of getting the appointment of C **

“ who still hoping if possible, to be yet favoured with the appointment of the Collectorship, (in preference to any other), and in the event will he advance to any amount the situation that H R H wishes

* The words in *Italic* were written in Pencil.

“ in particular (of Army Agent, &c) being of trivial emolument, adequate to the risque of the climate.”

“ SIR,

“ With all due deference and respect to His R. H. the Duke of Y for His application in my behalf of the appointment of Army Agent, &c at Sumnam, but as the emoluments of it are but trivial, adequate to the risque of the climate (and the short time it may be in our possession) I beg leave to decline accepting it

Permit me, Sir, to observe

“ As there is yet a probability of succeeding to the appointment of *a Collectorship of the Customs,* I hope I may have preference, but as I believe there is no warrant made out for it—^{without presuming the} but in the event that it is inevitably disposed of, ^{Sir in that case} allow me to ^{H R H's patronage for} solicit the situation of Vendue Master, at a per centage, on the ^A same footing as at Demarara ’

Addressed,

“ Lieut Colonel Taylor, &c Oatlands ”

Q State to the Committee what you know of the transaction respecting which, in your first letter, No. 8, you desired Mr. Kennett to call upon Mr Greenwood.

A As far as I can recollect, Mr Kennett wrote to me at Oatlands a short note, stating, that he had something to propose to me for the advantage of His Royal Highness the Duke of York, and desiring that I would see him ; I am not quite certain whether I appointed him there or in London, but I think at Oatlands. Mr Kennett mentioned to me I think then, or in a note (I cannot charge my memory exactly, having kept no notes,) but I think he verbally mentioned to me, that he could procure for His Royal Highness the loan of thirty or forty thousand pounds , and as far as I recollect that was all that passed then, except that I said I should submit it to His Royal Highness the Duke of York, and let him hear further from me upon the subject.

Q Do you recollect the date of this conference with Mr. Kennett ?—*A.* I do not.

Q, State it nearly as you can?

A. I really do not recollect.

Q. Do you recollect the year?

A. I do not recollect the year, I was told of it coming here.

Q. Do you mean to state that this was the first step in this transaction?—A. Yes, it was.

Q. That Mr. Kennett volunteered his services?

A. He did.

Q. Did you inform the Duke of York of this application of Mr. Kennett's?—A. I did.

Q. What was the result?

A. I was desired to refer Mr. Kennett to Mr. Adam.

Q. Do you know any thing more which took place respecting that transaction?

A. At that time, or subsequently, Mr. Kennett mentioned to me, that he was very much supported by Sir Horace Mann, with whom he had been long acquainted; and he told me, that Sir Horace Mann had desired him to say he should feel very much obliged to me, if I could use my influence with the Duke of York to assist him in obtaining a situation. I am not certain whether that was in his first verbal communication or in his second.

Q. Was the second communication long after the first?

A. No, very shortly.

Q. Between the first and the second, do you know whether Mr. Kennett had seen Mr. Adam?

A. I believe not.

Q. What passed at that second meeting?

A. I really cannot state exactly what passed; I cannot charge my memory with the particulars.

Q. Did you state to the Duke of York when the offer of the loan was made by Mr. Kennett, that Sir Horace Mann would be much obliged to the Duke if he could procure for Mr. Kennett a place?

A. Mr. Kennett's communication respecting Sir Horace Mann was subsequent to the offer of the loan; the offer of the loan had been communicated to His Royal Highness previous to the communication respecting Sir Horace Mann.

Q. Are you certain that the communication respecting Sir Horace Mann was at the second meeting?

A. I am almost certain, as far as I can be from recollection.

Q. Are you certain that it was after the first conversation with Mr. Taylor ?

A. I have stated that it was subsequent to the first.

Q. Do you mean to state that you are not certain whether it was at the second or some subsequent meeting ?—A. Yes, it certainly was not at the first.

Q. Did you ever state that communication respecting Sir Horace Mann's wishes to the Duke of York ?

A. I did.

Q. How soon after Mr. Kennett had informed you of that wish of Sir Horace Mann's did you mention it to the Duke of York ?—A. I think almost immediately.

Q. You do not know what interval there was between the offer of the loan and that communication respecting Sir Horace Mann's wishes ?—A. I really cannot say.

Q. Was the negotiation of the loan ever concluded ?

A. I believe not, but I do not know ; for His Royal Highness has not been in the habit of employing me in his money transactions.

Q. Do you know any thing more of that negotiation about the loan ?

A. Mr. Kennett called upon me several times, and wrote to me occasionally ; but it is very difficult for me to recollect what passed upon the subject, from the time that has elapsed, but as far as I recollect, Mr. Kennett mentioned to me repeatedly, that he had seen Mr. Adam he complained of Mr. Adam's delay ; and at one time he said, he really began to think that His Royal Highness and Mr. Adam were indifferent about the loan, from having been put off so often as he had been.

Q. State to the Committee what you know with respect to the steps taken to procure Mr. Kennett a place, and the correspondence with Mr. Adam and others upon that transaction.

A. In consequence of Mr. Kennett's communication to me, particularly that in which he mentioned that Sir Horace Mann was very much interested in his favour, I stated to His Royal Highness the Duke of York, Mr. Kennett's wish to obtain an office, those offices were specified by him ; I do not recollect what they were, and His Royal Highness authorized me to write to Mr. Long upon the subject ; I do not recollect writing any other letter,

letter; I probably have, but I cannot charge my memory, having had no reference to papers.

Q. Were the two letters of which you have read the copy (No. 18) shewn to the Duke of York?

A. I cannot recollect, but I believe not.

Q. Was the substance stated to the Duke of York?

A. I dare say it was.

Q. Have you any doubt that it was?

A. I have no doubt that I did state it to the Duke, not that I can positively say that I did, but I probably did.

Q. Was it in the regular course that you should state it to the Duke?

A. I certainly should have stated it to the Duke if I received such letters, believing the communication to be intended for him.

Q. Do you know whether Mr. Kennet ever obtained any appointment?—A. I understood not.

Q. What was the situation about the Duke of York which you filled at that time?

A. I was private secretary to His Royal Highness.

[The witness was directed to withdraw.]

CHARLES GREENWOOD, Esq. was called in; and Examined by the Committee, as follows:

Lord Folkestone. Q. Do you recollect Mr. Kennett coming to you?—A. I do.

Q. State to the Committee all you know respecting that transaction?

A. I know very little about the transaction, further than Mr. Kennett's calling upon me; I understood by the Duke of York's commands, communicated by Colonel Taylor; I heard what he had to say, but I considered it a wild proposal, and did not much attend to it.

Q. When was this?

A. I really cannot recollect the time.

Q. What was the proposal which you state to have been a wild proposal?

A. A very large loan, and without any thing required but personal security; that was the proposal, to the best of my recollection; I may be mistaken.

Q. To what extent was the loan ?

A. To the best of my recollection thirty thousand pounds; I am not at all clear upon it, but I think it was so.

Q. Did Mr. Kennett state to you, that he wished for any thing else in consequence of the advance of this sum of money, besides personal security ?

A. I understood his object was to obtain some appointment for a friend.

Q. What sort of appointment ?

A. I do not recollect.

Q. Do you know who that friend was ?

A. I do not.

Q. Do you mean an appointment under government ?

A. I concluded so, upon recollection, I doubt whether it was not some appointment in the West Indies that was his aim.

Q. Did you state this conversation to the Duke of York ?

A. I stated the substance of it.

Q. What was the Duke's observation ?

A. I do not think that his Royal Highness gave much attention to it, but said it might be enquired into, or something to that effect.

Q. Do you know whether it was enquired into ?

A. I rather think that Colonel Taylor or Mr. Adam, I am not clear which, had directions to enquire about it.

Q. Do you know, of your own knowledge, any thing more about it ?

A. I really do not.

Q. Did you ever see Mr. Kennett upon the subject afterwards ?

A. He called upon me two or three times.

Q. What passed upon those occasions ?

A. Repeating his offers, and I paying very little attention to them.

Q. Did he at each time repeat his application for a situation under government ?

A. I do not recollect that he did.

Q. Are you certain about it ?

A. He might have possibly stated his wish for an appointment under government more than once; I cannot be

be certain of it; but in general, the conversations were very short with me.

Q. Did you communicate those conversations to the Duke of Yoik ?

A. I do not think that I did, all of them.

Q. Did you communicate some of them to the Duke of Yoik ?

A. I remember telling the Duke of York, that I did not think it was a proposal that could be of any effect.

Q. Did you ever state to the Duke of York his wish to obtain the situation under government ?

A. I believe I did.

Q. Did Kennett ever apply for a situation under government for himself ?

A. Not to my knowledge.

Q. Always for a friend ?

A. I always understood him so.

Q. Are you certain that he so stated it ?

A. I am certain that I understood him so.

Q. Did you know who Mr. Kennett was ?

A. I heard that he had been in trade in Bond-street.

Q. Did you know what profession he carried on at that time ?—A. No.

Q. Did you know where he lived ?

A. No, I rather think he lived somewhere beyond Westminster-bridge, but I do not know where.

Q. Did you know that he had been a bankrupt ?

A. I do not know that for certain, I knew he had been in trade, but whether he had failed or not I do not recollect.

Q. Did you ever enquire into this man's character ?

A. I had heard an indifferent character, I did not enquire about him.

Q. Did you state the result of those enquiries to the Duke of Yoik ?

A. I believe I stated that he was a man not to be attended to, I think so.

Q. Are you not certain that you did so ?

A. I think it must be so, because it was my feeling.

Q. You have no doubt that you did so state ?

A. I have no doubt that I did.

[The witness was directed to withdraw.]

Mr. HUSKISSON observed, that Colonel Taylor had observed to him, that he could have stated something more about Kennett, if he had been asked the question, and therefore hoped there would be no objection to call him again.

Lord FOLKSTONE had no objection whatever; but the honourable Gentleman would recollect, that if any thing had been omitted, it was not owing to him; for he had desired Colonel Taylor to state all he knew connected with the subject of inquiry.

Lieutenant Colonel TAYLOR was again called in, and examined by the Committee, as follows:

Mr. Huskisson. Q. Pending the transaction with Mr. Kennett, which you have mentioned, did you make any enquiry respecting his character?

A. I did not, he was only known to me from Sir Horace Mann's recommendation.

Q. Did any friend of your's state to you any thing he knew of him?

A. In the course of his visits to the Horse Guards, where he came three or four times, more or less, he was met by a person who asked me whether I had long known him; I stated to him that I only knew him from Sir Horace Mann's recommendation, and from his communications to me subsequent to that. He then told me, that he had formerly known him; I think he said he had been a stock-broker, but I am not certain; but I am certain that he said he had failed, and that there were circumstances attending his failure which were not to his credit, and he cautioned me against him.

Q. Did you communicate to his Royal Highness the Duke of York this information?—A. I did.

Q. What passed between yourself and his Royal Highness in consequence of your making this communication?

A. His Royal Highness ordered me, in consequence, to drop every further application in his favour.

Q. Is there any other circumstance connected with the

the communications you held with Mr. Kennett that you can recollect, and which is material to this inquiry ?

A. I cannot say I recollect any other.

Lord Folkstone. *Q.* Do you recollect when that information was given you respecting Mr. Kennett ?

A. I do not, it was after I had had several communications with him, as I have before stated.

Q. Had you any communication with him afterwards ?

A. None that I recollect ; I might have some verbal communication with him, but none that was material, certainly.

Q. From whom was it that you received this information ?

A. I was desired by the person giving me the information not to name him.

[The Witness was directed to withdraw.

[The witness was again called in]

Q. When you first saw Mr. Kennett, did he come recommended by Sir Horace Mann ?

A. He did not.

Q. Did you see him frequently before he was recommended by Sir Horace Mann ?

A. I think it was the second time that he mentioned the interest Sir Horace Mann took in his favour, and I think he brought a letter from Sir Horace Mann to me.

Q. Did he bring that letter in consequence of any wish expressed by you, that he should bring some recommendation before you would enter into a negotiation of this sort.

A. He did not, the recommendation from Sir Horace Mann was spontaneous

Q. Did you not know that Mr. Kennett had been a bankrupt ?

A. I did not, I knew nothing of Mr. Kennett till I received that information.

[The witness was directed to withdraw.

[Lord FOLKSTONE then expressed his wish that
Mr.

Mr. ADAM should state all he knew of the transaction.]

WILLIAM ADAM, Esquire, attending in his place, was examined by the Committee, as follows.

When this transaction was begun to be stated by Mr. Duff, and that he mentioned Mr. Kennett, I had not, at first, the most distant recollection of such a transaction ever having taken place, but as Mr. Duff went on and stated some circumstances, the recollection of such a transaction recurred to my mind, and the circumstance of my two notes and my letter having been put into my hand, has made that recollection still more accurate, as far as it is possible for me to call that accurate at all which rests on recollection at so long a distance of time. I remember to have seen Mr. Kennett on the business of this proposed loan, and upon that only; nothing, as far as I can recollect, was ever stated to me by him but that, and the first impression I now recollect that I had of it was, that it would not turn out a loan that could be entered into. I apprehend that soon after my first interview, if I had more than one with him in the month of August, I must have left town for Scotland, and consequently have known nothing of what was proceeding, if any thing was proceeding in the interval, and I can only account for the last letter, the letter written from Scotland, in this way, that previous to my departure from my residence there, I had been considering the different matters I was to enter into probably when I returned to town, and amongst the rest had written upon that subject. I do not recollect ever to have seen Mr. Kennett after my return, at the same time I think it is probable that I may have seen him, but the loan was put an end to, and all intercourse with Mr. Kennett was put an end to without any thing being done. I think it right to say, that I knew nothing at all of Mr. Kennett when he first called upon me, or any thing respecting his character. This is all I can call to my recollection.

Q. Did you make any inquiries respecting the character of Mr. Kennett?

A. I have no doubt that I must have made enquiries, though

though I cannot recollect them ; and I think the information, which Colonel Taylor mentions, must have been communicated to me.

Q. Do you mean that it was communicated to you by Colonel Taylor ?

A. I can only say that I presume it was, but I cannot speak from any certain recollection.

Q. You cannot say whether you heard it from Colonel Taylor ?

A. I cannot say positively whether I heard it from Colonel Taylor ?

Q. Nor can you recollect when you heard it ?

A. I cannot recollect when I heard it, but I think it must have been after my return from Scotland in October 1804.

Q. What was that information ?

A. That he was a person not at all likely to accomplish the object, and a person of the character which has been alluded to by Colonel Taylor.

Lord FOLKSTONE then proposed that Robert Kennett should be called to the Bar; but on the suggestion of Mr. Williams Wynne, that the calling such a person to the Bar would be unworthy the dignity of that House, the Noble Lord acquiesced in the propriety of his Honourable Friend's suggestion.

The CHAIRMAN then asked Mr. Waidle if he had any more evidence to adduce? to which Mr. Waidle replied, none beside that of the letters.

GWYLLYM LLOYD WARDLE, Esq. (having delivered in some letters,) was examined by the Committee, as follows .

Q. Are the letters which you have now delivered in, the letters which are alluded to in Mrs. Clarke's letter of the 28th of January ?

A. I presume they are, they are the letters of the officers she was to have got recommendations for; I know no other letters, and I possess no others.

Q. State

Q. State, with as much accuracy as you can, the time when you received these letters from Mrs. Clarke ?

A. I have no memorandums enabling me to state the date precisely.

Q. In what year was it ?

A. It was within the last two months.

Q. Are they the letters stated to have been delivered to you with a view to facilitate some negotiation ?

A. Yes, I suppose so, they are letters of recommendation of officers for promotion, which I understood from Mrs. Clarke were sent to her by Mr. Donovan for her to get further recommendations upon.

[Mr. HUSKISSON thought, before they proceeded further, it was material to know how these letters came into Mrs. Clarke's hands.]

WILLIAM ADAM, Esq. was examined in his place, as follows :

Mr. C ADAMS observed, before he put his questions that he trusted the Learned and Honourable Member would permit him to put one or two questions similar to those he had put to him the other night : that Honourable Gentleman had then referred him for answer to his former evidence. He had considered that evidence, and did not think it kept within the scope of the questions he wished to put.

Mr. ADAM expressed his perfect willingness to answer any question any Honourable Gentleman might be disposed to put.

Mr. C. Adams. **Q** Were you consulted as to whether the annuity to Mrs. Clarke should or should not be paid ?

A. No, I did not know of its having ceased to be paid.

Q. Then the Committee are to understand you did not advise the non-payment of the annuity ?

A. Certainly I did not.

Q. Was it known to you that the Duke refused to pay this annuity ?

A. I knew it in no other way than by the communications

tions which I had with His Royal Highness, as well as I can recollect at the time I received those letters from Mrs. Clarke, which have been laid upon the table of the House.

Q. Do you know the reason of such refusal ?

A. I did not know the specific fact or facts that was the cause of the discontinuance of the payment of the annuity, but I know in general from the same source, I mean from conversations with His Royal Highness, that the annuity was discontinued in consequence of an impression upon his mind, that Mrs. Clarke's conduct had not been such as to fall within the condition upon which the annuity was originally granted, when I say originally granted, I do not mean to have it inferred that there was any regular grant of the annuity, but that I was desired to state at the time that I communicated to Mrs. Clarke that His Royal Highness was not to see her again, that she was to receive a quarterly sum in the manner that I have stated in my former evidence, one hundred pounds a quarter.

Q. Did the discontinuance of that annuity arise at all from the Duke's knowledge of her interference in military promotions ?

A. I had no reason to believe that His Royal Highness was at all acquainted with any such interference at the time the annuity discontinued. I wish to add, that the annuity was an annuity the payment of which, as I have already stated in my evidence, did not fall within any fund of His Royal Highness's that was under my administration. I hope the Committee will not think it improper I should go on to state, that this matter may be clearly and distinctly understood, which was a little misunderstood on a former night, notwithstanding the manner in which I endeavoured to express myself in the early part of this proceeding, that that portion of His Royal Highness's income which he retains for his own expenditure in his family, on his property, and in whatever other mode his expenditure is applied, is not in the least within the province of my trust or knowledge, that all that is within my trust or knowledge is, that sum which has been appropriated by His Royal Highness towards the payment of the interest and liquidation of the principal of those debts.

.Q. State,

Q. State, if you can, at what time, and by whom the impression was made upon His Royal Highness's mind to which you have referred?

A. I certainly do not know by whom it was made, nor do I know at what time it was made. I have already stated the time at which I first became acquainted with it, or nearly so.

Mrs. MARY ANN CLARKE was called in, and examined by the Committee, as follows:

Mr. Lockhart. **Q.** Are these the letters which you delivered to Mr. Wardle, in order, as you stated in your letter to Mr. Donovan, to facilitate some negotiation?—*[The letters delivered in by Mr. Wardle being shewn to the Witness]*—**A.** Yes, these are the letters.

Q. When did you deliver these letters to Mr. Wardle?

A. Soon after I received them from Mr. Donovan.

Q. When did you receive them from Mr. Donovan?

A. I do not recollect.

Q. The letters appear to be all dated in the beginning of the year 1808, had you them in your possession from the time of the dates until you delivered them to Mr. Wardle?—**A.** I cannot exactly say.

Q. Look at that letter, and say whose hand-writing it is?—*[A letter being shewn to the Witness]* **A.** I do know.

Q. Look at that letter (No. 2) and say whose hand-writing you believe that to be?

A. I do not know the hands at all.

Q. Look at that letter (No. 3) and say whose hand-writing you believe that to be?—**A.** I do not know.

Q. These letters purport to be Certificates from Officers; did you give these letters to Mr. Wardle with a view to his procuring the signature of any member of parliament as an additional recommendation, not knowing whose hand writing the original recommendation was?

A. I gave another to General Clavering, and he took the precaution of enquiring at Mr. Greenwood's, or the Adjutant General's. I believe it is one of those I gave to General Clavering, that signed "Ross."

Q. These letters purport to be Certificates from Officers,

cers; did you give these letters to Mr. Waidle with a view to his procuring the signature of any Member of Parliament as an additional recommendation, not knowing whose hand-writing the original recommendation was?

A. Yes, Mr. Donovan told me they were all correct, and that they were the Officers recommendations in a proper manner.

Q. Did Mr. Donovan tell you they were the hand-writing of the respective Officers whose hand-writing they purport to be?—*A.* Yes, he did.

Q. Do you now know the hand-writing of the person who wrote either of these letters?—*A.* No, I do not.

Q. Do you know the hand-writing of Mr. Donovan?

A. Yes, I have had a great many letters from Mr. Donovan.

Q. Look at that letter, and say whether that is not the hand-writing of Mr. Donovan?

A. I think that looks very like it, but I would not take upon me to say it is, when it is signed “William Wallace;” I think it looks very like it.

Q. At the time you received that letter, did you conceive that the body of the letter was of the hand-writing of Mr. Donovan?

A. No, I certainly did not, nor should I without looking at it again. I would not think that a man would presume to put another man’s signature; and I am not sure that it is his writing now, but it is very like it.

Q. Was the only reason for your not supposing it to be the hand-writing of Mr. Donovan at the time that you received it, that the signature was the signature of another person?

A. I never made any remarks upon it at all; perhaps I did not read it.

Q. Did you put letters into the hand of a Member of Parliament to procure his recommendation, those letters being original recommendations themselves, without reading them?

A. Yes, I should, because the person would take care that it would be proper before he got any thing done, as General Clavering did; he went to ascertain the writing, and found it to be correct, as he told me.

Q. Look at both the letters signed “Wallace.”

• [*They were both shewn to the witness.*] *A* One is only a copy of the other letter. Mr. Donovan has copied this letter; I suppose you perceive that; if you read them, they are both the same.

Q. When did you receive the copy, and when did you receive the original?

A. I cannot tell, here they both are; I can tell nothing farther than that.

Q. Did you receive them both at the same time?

A. I cannot tell.

Q. The letters are not merely a copy; one is addressed at the bottom, and the other is not?

A. General Leigh is left out in one.

Q. Which is the original?

A. That I will leave to the Honourable House to find out; but the other is addressed on the outside to General Leigh, that is the only difference; what is at the bottom of one is on the outside of the other, it is only a half sheet of paper, that he could not put it upon the back perhaps.

Q. How do you know that Mr. Donovan has copied the one from the other?

A. Because it appears from looking at them; I think that the looking at them would convince any one.

Q. You have now no doubt of one of these letters being Mr. Donovan's hand-writing?

A. No, I think one is his hand-writing perhaps, it is very likely; I do not know.

Mr. Huskisson. Q. Are these the letters which you state yourself, in your letter to Donovan of the 28th of January, to have put into Mr. Wardle's hands for the purpose of facilitating the negotiations?

A. Yes, I think they are, but General Clavering had one; I do not know what is become of that.

Q. Are these all the letters you put into Mr. Wardle's hands for the purpose of facilitating the negotiation?

A. Yes.

Q. And to which you refer in your letter of the 28th of January?—*A.* Yes.

Q. Explain to the Committee in what manner you conceived these letters in Mr. Wardle's hands were to facilitate a negotiation?

A. He

A. He told me he would get some recommendations from some Members of Parliament.

Q. Mr. Wardle told you that he would use those letters for the purpose of facilitating this negotiation, by getting the signature of some Members of Parliament ?

A. Yes, he did, and he has made a different use of them ; I dare say he never tried.

Q. Then you were led by Mr. Wardle to expect he would accomplish the object for which you put these letters into his hands, that of facilitating a negotiation from which you were to receive some pecuniary advantage ?

A. Yes ; but I find now he was only laughing at me ; it was only to get into the secrets of Donovan and myself.

Mr. Frazer. Q. What was the reason assigned for the non-payment of the annuity, or was there any reason assigned ?

A. There was no reason whatever assigned.

Q. Do you recollect what the conditions were upon which the annuity was to be paid ?

A. No, there were no conditions at all, Mr. Adam promised faithfully, both to me and to my lawyer, to see it punctually paid. I believe you are going to call in Mr. Reid ; it is quite unnecessary, for I do not deny any thing Mr. Reid said about sending me wine.

Mr. Wilson. Why, if the letters now produced are the letters you delivered to Colonel Wardle for the purpose of facilitating some negotiations which relate to army promotions, do you describe one of them, in your letter of the 28th of January, as referring to two Déaneries ?

A. In my opinion it did not refer to any such thing.

[Mrs Clarke's letter to Mr. Donovan, of the 28th of January, was read.]

Those are the letters he took away.

Q. Can you state nearly the total amount of the different sums that were paid on your account by the Duke of York, during the period you continued under his protection ?

A. I know nothing at all about it, what he paid.

Mr. Wardle. Q. Do you recollect whether your coachman in Gloucester-place was on board-wages?

A. He lived in the house till he married, and then he was on board-wages.

The CHANCELLOR of the EXCHEQUER then moved that Mr. Reid should be called in.

Mrs. Clarke. What before I withdraw! whilst I remain at the Bar!

The Chancellor of the Exchequer. The witness may be assured, that I should not call Mr. Reid in, as I propose, if it was not absolutely necessary.

Mrs. Clarke. If it be fair, I would wish to take the sense of this Hon. House upon the question. (*A laugh.*)

LORD FOLKSTONE moved that the witness should withdraw; and added, that though it was impossible for the Committee to entertain the proposition, or even to suffer it to remain upon the minutes, yet he put it to the Right Hon. Gentleman whether he would persist in his intention to bring Mr. Reid to the Bar whilst the other witness was there, inasmuch as she had admitted that his statement of the wine was correct.

It appeared, after some short delay, that Mr. Reid was not in attendance, when Mrs. Clarke was ordered to withdraw.

GWYLLYM LLOYD WARDLE, Esq. was examined in his place, as follows.

Mr. Huskisson. Q. Did Mrs. Clarke put any letters into your hands, avowedly for the purpose of facilitating the negotiation, and stating that to be the object?

A. She put them into my hands, and said she wished I would get them signed for her, but till she made known the circumstance last night, I really did not know what she meant by the term negotiation.

Q. What answer did you make to this proposal?

A. Really

A. Really, I believe, I said my friends were on the wrong side of the House, or some answer of that description, and that very little more passed; and I took the letters and kept them ever since.

Q. Then if you stated, that your friends were on the wrong side of the House, what led you to make that statement, not understanding what she meant by facilitating the negotiation?

A. Certainly, when I heard her note read, I had not the most distant idea of what she meant, nor had I till I heard her state the circumstance last night.

Q. Were the letters she put into your hands for the purpose of facilitating the negotiation, the three letters you have delivered in this evening, or the letters referred to in her letter to Mr. Donovan of the 28th of January?

A. I believe the letters referred to in her letter of the 28th of January were on the table of this House at the time she wrote that note, or very nearly so, I had the letters she refers to in that note a long period before that letter was written, I had the letters respecting the Deanery and the Queen, I believe, long prior to my having those I have delivered in to-night.

Q. Then the Committee is to understand, that the letters referred to in Mrs. Clarke's letter to Mr. Donovan of the 28th of January, as having been put into your hands for the purpose of facilitating the negotiation, were not the letters described by Mrs. Clarke in her letter to Mr. Donovan?

A. I should conceive it impossible, for I had had them a long period before, and I believe they were upon the table of this House at the time she wrote that letter.

Q. Were you aware that one of those letters which you delivered in this evening was in the hand-writing of Mr. Donovan?

A. I certainly was not, I hardly ever looked at them till to-day; I perceived that one was a copy, but I never attended to it at all.

[On the motion of Mr. LOCKHART, the following extract from Mrs Clarke's evidence was read.]

Q. " Explain to the Committee in what manner
K 3 " you

“ you conceive those letters in Mr. Wardle’s hands
“ were to facilitate a negotiation ?

A. “ He told me he would get some recommend-
“ ations from some Members of Parliament.”

Q. “ Mr. Wardle told you that he would use
“ those letters for the purpose of facilitating this ne-
“ go-iation, by getting the signature of some Mem-
“ bers of Parliament ?

A. “ Yes, he did ; and he has made a different
“ use of them ; I dare say he never tried.”

Mr. Lockhart. *Q.* Is that statement which has just
been read true ?

A. I have before stated, that when Mrs. Clarke gave
me these letters, I said, that my friends were on the
wrong side of the House, or something of that kind,
and I really do not recollect that any thing further pass-
ed upon the subject.

Q. Did you make the promise which Mrs. Clarke has
stated you made ?

A. I certainly did make no direct promise, I gave her
that sort of answer, which I have a dozen times repeated
to this Committee.

Q. Did you make any promise whatever, direct or in-
direct ?

A. I have answered that question frequently, I never
said more to her upon the subject than I have stated to
the House.

Q. Is Mrs. Clarke’s statement true or false ?

A. Really, after I have most positively stated all that
passed upon the subject, I should think the Honourable
Gentleman is as equal to draw the conclusion as I am
myself, it depends so much upon the impression at the
moment, and my actions at the time. I was anxious to
get the letters, that I made any direct or positive pro-
mise I am not at all aware, by my taking the letters
away, she might draw that conclusion, but I have not
the least recollection of such a promise having been made
by me.

Q. Can you positively state to the House that you did
not give Mrs. Clarke reason to believe when you left her,
that you would carry into effect her wishes as far as was
in your power ?

A. I have

A I have before stated, that I do not recollect making her any promise whatever.

Q. Did you, directly or indirectly, promise Mrs. Clarke that you would comply with her request?

A. Whether or not my taking away the letters, and making her the answer I have before repeated, might indirectly lead her to suppose I would do it, is more than I can say.

The following question was put by another member of the Committee.

Q. I wish to put a question to the honourable Member in such a shape as will enable him to give a direct answer. Is the statement of Mrs. Clarke true or false?

A. After having most positively stated all I know of what passed on the occasion, I think the honourable Member may draw the conclusion himself.

I desire the question may be repeated.

Upon this Mr. B. BATHURST begged to observe, that when one of their own Members was called on to give evidence in his place, he stood in the same situation as any other witness. No witness in a court of justice would venture to make his statement, and then tell the judge and the jury to draw their own conclusions, in a similar case. He therefore was of opinion that the honourable Member was bound to answer the question.

Mr. MARTIN contended, that the question was merely a repetition of a question that had been several times answered. Did the honourable member mean to ask whether the general statement of Mrs. Clarke was false? The right honourable Gentleman who had just sat down appeared to him to have fallen into a misapprehension respecting the practice as to evidence in courts of justice; for unquestionably it would be a sufficient answer to a repetition of a question in any court of justice, to say

say that the question had been already answered by the witness.

Mr. BATHURST denied that the question of the honourable member had yet been answered.

Mr. WHITBREAD agreed with the right honourable Gentleman, that the question, "Whether the statement of Mrs Clarke be true or false," had not yet been answered. but the question had been put in a shape which appeared to be pressing hard upon a Member of that House. (No! no! no!) His honourable Friend had often declared what he had said to be, that his friends sat upon the wrong side of the House. It was possible that Mrs Clarke might understand the words of his friend to imply the promise she stated. She and his honourable Friend might have a different understanding of the conversation that passed on the occasion. But though he admitted that the question, "true or false," had not been answered in a direct shape by his honourable Friend, he contended that it had been repeatedly answered in substance.

Mr. WARDLE had no hesitation to answer the honourable Member's question if he had known how. He was certainly anxious to get the letters, and had already stated all that passed, but it is impossible for him to say what may have been the impression upon the mind of Mrs. Clarke.

The ATTORNEY-GENERAL observed, that there could be no doubt of the propriety of the question. Mrs. Clarke had stated that the honourable Member had made her a promise, and the honourable member denied that he had made any direct promise. The next question, therefore, to ask was, whether the honourable Member had made to her any direct or indirect promise, and surely there could be no offence in that.

Mr. WARDLE again stated, that he had no objection to answer that question. He never had made
 Mrs.

Mrs. Clarke any positive promise, and had already informed the House of all that he had said upon the occasion.

The Member who put the question, declared that he had put it in that particular form from a feeling towards the honourable Gentleman. (*A loud laugh.*) During the examination this night, and last night, he had observed that questions had been put in an indefinite form, to which answers had been given that did not prove satisfactory to any body. To avoid all ambiguity, therefore, he had put the question in a direct shape, in order to afford the honourable Member an opportunity of giving an answer. It was the honourable Member who had the conversation with Mrs. Clarke, and it was he, therefore, that was competent to draw the conclusion, not those who were not parties to that conversation. In telling the Committee that they could draw the conclusion, the honourable Member admitted that he could draw it himself, and consequently could answer the question.

Mr. WHITBREAD thought it possible that a promise might have been understood where there had been none made. He appealed for a confirmation of this statement to all those, on either side of the House, who had been in office, to whom it often happened to give rise to constructions of promises, where only kind language may have been used in reply to applications for appointments.

Mr. LOCKHART rose to order, and said that it was very irregular for any Gentleman, when another was examined as a witness, to give an explanation of the evidence to be given by the other.

Mr. WHITBREAD denied that he was giving any such explanation as that imputed to him by the learned Gentleman. He was contending that it was likely his honourable Friend had not made any direct

direct promise, and was stating a case to illustrate his argument.

MR. BARNHAM considered the question as highly objectionable. This was not a question of fact, but of construction. The Committee had cautioned witnesses to answer only to such matters as were within their own knowledge. Yet his honourable Friend was now called upon to state not what was within his own knowledge, nor his own opinion, but the opinion of another. The Member (who put the question) had done his duty in putting it, and left it to the honourable Member to answer it as he should think fit, and to the Committee to decide upon the sufficiency or insufficiency of the answer.

MR. WARDLE declared, that he knew not how to answer the question. He could not recollect that he had ever positively made any promise.

MR. W. WYNNE observed, that it was impossible for his honourable Friend to state what impression the expressions he used on the occasion might have made upon the mind of Mrs Clarke.

The question was then read, and the answer of the honourable Member; when the honourable Member who put the question proposed that a later statement of the honourable Gentleman "that he did not know how to answer it," should be added to it.

MR. MARTIN thought the answer as full as it could be, but certainly could not accede to the proposition of the learned Member, that any thing which had not been stated in the answer should be inserted in it.

SIR THOMAS TURTON asked whether the honourable Member had given Mrs Clarke reason to suppose that he would comply with her wishes? And MR. BATHURST and the ATTORNEY-GENERAL pressed for an answer whether the honourable Gentleman.

tleman had directly or indirectly given any promise, such as that stated by Mrs Clarke.

Mr. WARDLE replied, that whether or not his answer, and the circumstance of his having taken away the letters, might have indirectly led her to suppose he would comply, was more than he could say.

Mr. SUMNER called the attention of the Committee to the difficulty in which the short-hand writer was placed, from the intermixture of evidence and discussion.

The CHAIRMAN had observed this difficulty, and would be happy to be instructed by the Committee how to obviate it.

Mr. REID was again called for, but was not in attendance.

Mr. BERESFORD rose to put a few questions to the honourable Member (Mr WARDLE) whilst the Committee was at a stand waiting for the witness.

Lord FOLKSTONE rose to order. He thought the proceeding which had just taken place, of the most indecent description. The witness who was under examination had been ordered to withdraw at his instance, because he thought it would not be proper to call in the other witness while she was still at the Bar. That suggestion had, however, being overruled, and Mr. Reid was called for, but when it was found that he was not in attendance, the Gentlemen opposite had resorted to a kind of interlude, in a course of indecent examination of his honourable Friend, in order to eke out the time till their witnesses should arrive. He must add, that it was no improper representation of the whole to call it a highly indecent, improper, and indecorous proceeding.

Mr. BERESFORD replied, that the representation made by the noble Lord of his conduct, was neither a faithful, just, nor a true representation. He had
not

not communicated with any body about him as to the questions he had to put, and had acted solely upon a sense of his duty, thinking the time he rose the most convenient to put his questions to the honourable Member. Unless the Committee should stop him, he should, if not then, at least before he left the House, put those questions to the honourable Member.

Lord FOLKSTONE disclaimed any idea of accusing the honourable Member of having communicated with others. It was the whole tenor of the examination that he complained of.

The CHANCELLOR of the EXCHEQUER begged to offer an observation on the censure which the noble Lord had thought proper to cast upon some persons, whom he chose to consider as a corporate body, in bestowing that censure for the course that the examination had taken. The object he had himself in view in calling in Mr. Reid was, that, as Mr. Reid had given evidence as to the female who passed at his hotel as Mrs. Dowler, and it was impossible he could state her to have been the witness at the Bar, he might, by appearing with her at the Bar, be enabled to ascertain that fact. Upon inquiry, however, it was found that Mr. Reid was not in attendance, and whilst the Committee had to wait for his appearance, he was himself prepared to make that statement, to which he proposed to call the attention of the Committee after the case was closed on the other side. Mr. Reid had been sent for, but in the mean time several Members thought proper to put questions to the honourable Gentleman, out of which had arisen that debate which incurred the censure of the noble Lord, and in which he had himself taken no part. He could assure the Committee, that no individual had communicated with him on the subject of the questions that they had put, and which called down the animadversion
which

which began with him singly, and was afterwards extended to others. As Mr. Reid was not yet come, if the Committee would permit him and the other Gentlemen upon whom the Noble Lord's censure had fallen, and would consent to let the matter rest here, he was prepared to state a fact which had been ten or twelve days in his knowledge, and which had been communicated to several Gentlemen upon both sides of the House. He had reserved the communication of this fact till the case had been closed, and if the Committee should be of opinion that the circumstance ought to have been communicated earlier, the fault was entirely with him. His Royal Highness had wished him to make the statement earlier to the Committee, and consequently he alone was culpable if it had been improperly withheld. The fact he had to state was, the suppression of testimony as to one of the charges which had been brought before the Committee, namely, that with respect to Major Tonyn's case. It appeared by the Minutes, that a sum of money had been lodged by Captain Tonyn to be paid to Mrs. Clarke, and Mr. Donovan in the event of his promotion taking place. It appeared, also, that after some time, Captain Tonyn became impatient, and demanded his security back in May or June. (Here the Right Hon. Gentleman referred to the parts of the Minutes of the evidence of Mrs. Clarke and Captain Sandon relative to that part of the transaction.) The important suppression to which he wished to call the attention of the Committee was in the evidence of Captain Sandon. But before he mentioned the circumstance, he should state to the Committee the manner in which he received the information. On Saturday se'nnight a letter had been delivered to him by Colonel Hamilton, from his learned Friend opposite (Mr. ADAM), acquainting him that Colonel Hamilton had an important communication to make. He saw Colonel

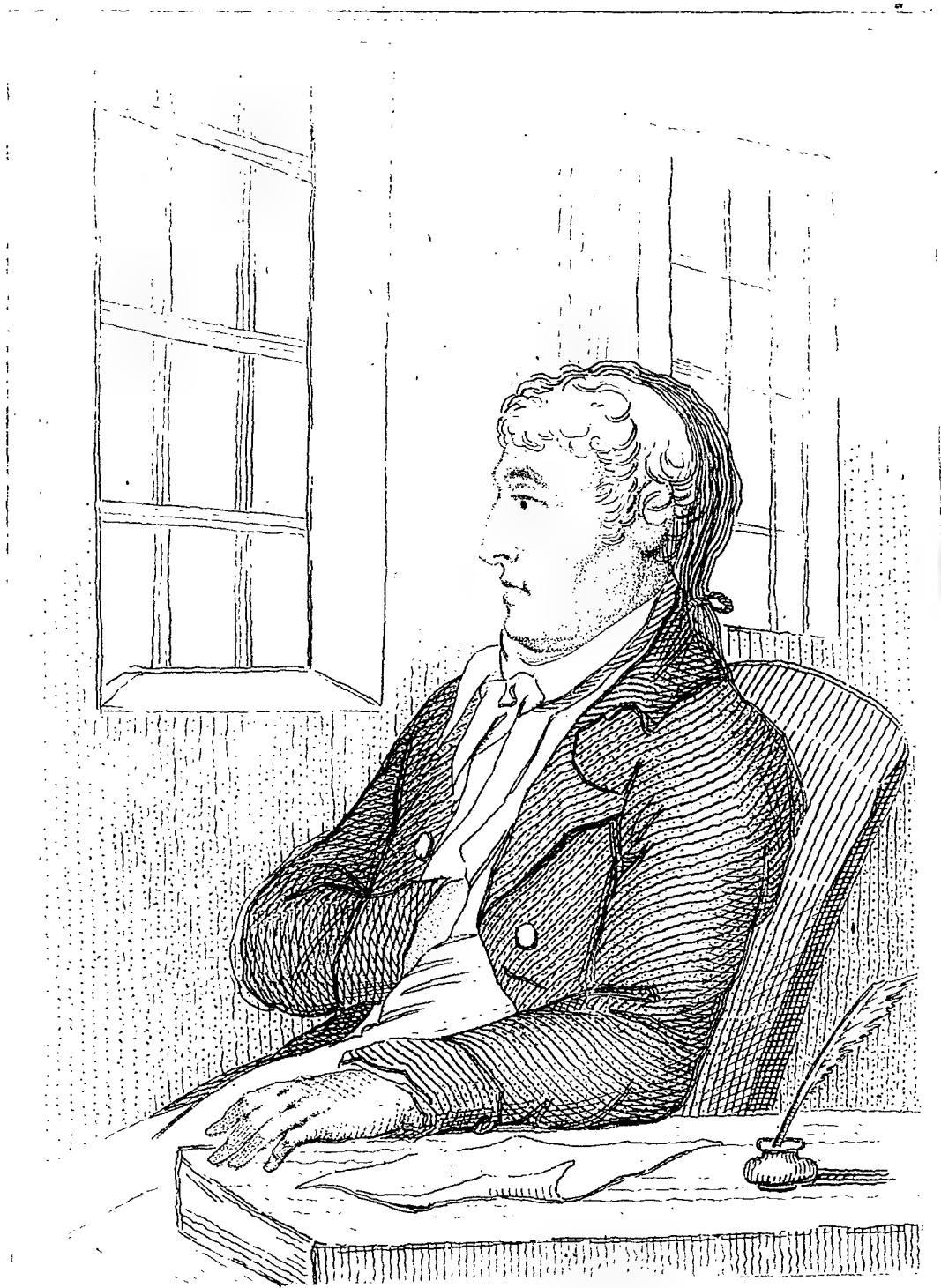
No. XIX. V 2. L Hamilton

Hamilton a few minutes after he waited on him, and learned from him, what he collected from Captain Sandon, since his arrival in England from abroad. Colonel Hamilton was an officer in the Waggon Train, to which Captain Sandon also belonged. On his arrival in England, Colonel Hamilton learned the state of things with respect to the charges brought forward in that, and, amongst others, that respecting Major Tonyn's case. Colonel Hamilton then sent for Captain Sandon, who stated to him all he knew of the transaction, being all he had stated at the Bar of the House afterwards, with the exception of what he had suppressed. Capt. Sandon said, that when Major Tonyn became impatient, he went to state the circumstance to Mrs. Clarke, who sent him back to Major Tonyn to inform him that she had received a note from the Duke of York respecting his case, which note was shewn to Major Tonyn by Capt. Sandon. The note was, "I received your note, and Tonyn's case shall remain as it is." This note was intended to shew that the person to whom it was written had influence, and in consequence Major Tonyn consented to let his security remain. When Major Tonyn was gazetted, Capt. Sandon was directed to shew him another note, purporting to have been written by the Duke of York, and stating, "Tonyn will be this night gazetted." The former note Captain Sandon shewed to Colonel Hamilton, and said, that he thought it would be the best course to destroy it. Colonel Hamilton on the contrary, strongly dissuaded him from destroying so material a part of the evidence. The other note had been given to Major Tonyn by Captain Sandon, but was not afterwards given back. Colonel Hamilton mentioned the matter to his Learned Friend, and, by his advice, went to Captain Sandon, when he obtained a copy of the note, and again repeated his injunction to the Captain not to
destroy

destroy the note. He understood that Captain Sandon, when he came to London, proposed to see Mr Lowten, Agent for his Royal Highness, and also to wait on Mrs Clarke, in order to his being examined by each. His Learned Friend had sent Col. Hamilton to him, and followed soon after himself. It appeared to him, as he trusted it would to the Committee, that his Learned Friend and himself should instruct Col. Hamilton as to the course which Capt. Sandon should pursue. They recommended that he should not submit to be examined either by Mr. Lowten or Mrs Clarke, but keep himself clear of all interference on either side, until he should come to the Bar, but above all things not to destroy the paper. These were the instructions which had been given to Colonel Hamilton. It would also strike the Committee that this communication ought to have been made to his Royal Highness the Commander in Chief. But whatever might be the result of the investigation then pending, neither he, nor his learned Friend, as members of parliament, could, consistently with a sense of duty, make themselves the depositaries of this secret.—As it had been communicated to them, they felt they were bound to make it public. The communication of the circumstance had been made to the Commander in Chief late on Saturday. His Royal Highness utterly denied all knowledge of the matter, and declared the note to be a forgery. The Commander in Chief came shortly after to his house with his learned Friend, and restated with the strongest conviction upon the best efforts of his memory, that he had no knowledge of the matter, and that he wished it to be sifted to the bottom. As to the fact of the note relating to the appearance of Major Todyn's name in the Gazette, his Royal Highness could not be so positive. He could not state that he might not have written such a note in answer to a note

which might have been addressed to him, he could not call the circumstance to mind. The other note, however, his Royal Highness most positively denied having written. His learned Friend had stated what passed between Colonel Hamilton and Captain Sandon, who acted as it was wished he should. He told Colonel Hamilton that he would come here, and, as he did, tell the truth, but that he had destroyed the note. When they found that the note had been destroyed, they ceased to have any communication with Captain Sandon, and left him to come to the Bar, and state what case he should think proper. He had come to the Bar, but had suppressed this important feature in his evidence, which, whether the note were a forgery or not, ought to be communicated to the Committee, in order that, if a forgery, the authors might be detected and punished, and, if not, that it might have its due weight in the pending investigation. He had thought it his duty to make this communication to the Committee, and if there was any impropriety in having delayed it till this period, the fault was his, though he had reason to suppose it ought to have been brought out in the examination of evidence at an earlier period of the inquiry.

Mr ADAM observed, that the Right Hon Gentleman who just sat down, had stated this most important circumstance with so much correctness, clearness, and accuracy, that little more remained for him than to corroborate his statement. The Hon. Member then briefly recapitulated the several facts mentioned by the former speaker, and stated, that in his interview with the Commander in Chief, his Royal Highness distinctly and clearly disavowed ever having written such a note. On the day subsequent to the interview, Colonel Hamilton mentioned to him the destruction of the note. It was then agreed between him and the Right Hon. Gentleman,



Engraved by Hopwood from a sketch by Rowlandson.

Capt.ⁿ Hurley Sanden.

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tleman, that they should both make communication of the circumstances to certain Gentlemen at each side of the House. The Right Hon. Gentleman had done so to his side, and he to a Noble Lord *, an Hon. Member near him †, and another.

Captain HUXLEY SANDON was called in, and examined by the Committee, as follows :

The Chancellor of the Exchequer. Q. You were examined the other day on the subject of Major Tonyn's promotion; did you on that occasion state all the particulars you recollected together of that transaction?

A. To the best of my recollection I did.

Q. You did not keep back any important fact?

A. No, not that I recollect.

Q. You stated that Major Tonyn was dissatisfied with the delay; that you observed to him, that he had better wait a few days, for that you thought in all probability he would be Gazetted; and, after arguing the point for a little time, he said, for two or three Gazettes it does not signify; let the business go on, and if I find I am Gazetted in a week or ten days, the business shall be as it originally was?

A. I believe that was what I mentioned.

Q. And that was what then passed?

A. That is what I can bring to my recollection.

Q. That is all that you can bring to your recollection?

A. Yes.

Q. Did it pass in those words?

A. As nearly as I can recollect.

Q. Do you recollect any of the arguments you used to persuade Major Tonyn to think that this friend of yours had an opportunity of influencing the Duke?

A. Not particularly; I told him I thought he had better wait two or three Gazettes, and most probably he would be Gazetted; indeed I had reason to suppose that it would: that was all that I can recollect.

Q. Did you inform Mrs. Clarke of Mr. Tonyn's inclination to withdraw his money?

* Lord H. Petty.

† Mr. Whitbread.

A. Yes, I did; I waited upon Mrs. Clarke, which I related before, and told her he was dissatisfied at the delay, and desired he might have his memorandum again, which was for the five hundred guineas.

Q. Do you recollect what passed with Mrs. Clarke upon that?

A. Mrs. Clarke said he was a shabby fellow, but she wanted money, and begged that I would desire him to stop for a few days, and most probably he would be Gazetted.

Q. That is all that you can recollect that she desired?

A. That is all that I can recollect she desired?

Q. You are quite sure of this?

A. To the best of my recollection.

Q. Recollect yourself thoroughly that you may not be taken by surprize; will you now continue to state, that, to the best of your recollection, this was all that passed?

A. I think it is all that passed, that is my opinion.

Q. Do you recollect whether there was any paper shown to Major Tonyn in the course of that conversation?

A. A paper how do you mean?

Q. Was there any paper shewn to Major Tonyn?

A. Mrs. Clarke gave me a note that I should shew to him.

Q. Then you did not state all that passed?

A. I took her note, to say that he had better wait.

Q. A note from Mrs. Clarke?

A. Not immediately a note from Mrs. Clarke to him; she said, Shew him this note, that he had better wait. He doubted that; he doubted that I had any body that I could apply to, he doubted my ability to get the situation.

Q. Then you did use some other arguments than those you stated in your evidence by the production of this note?

A. I merely said I thought this was the business. I did not mention who it was that was the interest; I said I had a paper which would shew that probably he had better wait; merely to say, that he had better wait.

Q. What was the note to say, that Major Tonyn had better wait?

A. That

A. That I cannot recollect, I cannot charge my memory what it was.

Q. Do you recollect from whom the note was?

A. From Mrs. Clarke.

Q. A note from Mr. Clarke to yourself?

A. Yes, merely to say that if he would wait a little time he would have it.

Q. The note you shewed was a note from Mrs. Clarke to yourself, to prevail upon Major Tonyn to think he had better wait?

A. Whether the note was addressed to me or to any other person I can not say; but it was said, you had better take this note and shew to him, and let him see, that if he will wait, the thing will be carried through.

Q. Your recollection is, that it was to the effect of advising Major Tonyn to wait a little while?

A. To wait with patience for a few Gazette days.

Q. That is the substance of it?

A. That was the substance of it, as well as I remember.

Q. Did you see Mrs. Clarke write the note when you called upon her?

A. I do not recollect that I did.

Q. You are not sure that you did not?

A. I am neither sure that I did, nor that I did not, she was very impatient about the money.

Q. You have no recollection whether you saw her write the note or not?—A. No.

Q. You are quite sure you received a note from her?

A. Yes, I am quite sure I received a note from her.

Q. Did you see Mrs. Clarke more than once, to communicate to her the doubts of Major Tonyn?

A. I cannot recollect, I cannot call to my memory whether I did see her again.

Q. There was not more than one note?

A. No, I had only that piece of paper which I mentioned?

A. Do you recollect what you did with the note; did you give it to Major Tonyn?

A. That I do not recollect, whether I gave it to Major Tonyn or what became of the note.

Q. You really do not recollect?—A. No, I do not.

Q. Though

Q. Though you are not quite sure whether you saw Mrs. Clarke write the note or not, are you certain whether it was Mrs. Clarke's hand-writing?

A. I cannot pretend to say, I rather think it was.

Q. Have you always stated this part of the case in the same way?

A. I believe I have, I think I have.

Q. Did you never tell any body that this note was a note in the hand-writing of His Royal Highness the Duke of York?

A. Not that I recollect.

Q. Are you sure of that?

A. I am very confident of it.

Q. When did you first hear of these charges against His Royal Highness the Duke of York?

A. I landed at Plymouth, I think, on the 24th of the month, and in coming from Plymouth to Portsmouth, by accident I took up the Traveller, and there I read these charges.

Q. Do you know Colonel Hamilton?

A. Perfectly well; I have the honour of being in the regiment with him.

Q. Did you represent to Colonel Hamilton this part of the story in the way you have represented it now?

A. I certainly asked Colonel Hamilton's advice how I should act upon the business, being the Colonel of the regiment I belonged to, and I related chiefly what I knew of the business.

Q. What you have stated now?—A. Yes.

Q. Recollect yourself; did you not state to Colonel Hamilton that the note which you shewed to Major Tonnyn was in the hand-writing of the Duke of York?

A. I do not recollect that I did.

Q. Could you have done so?

A. I should imagine not.

Q. Are you sure you did not shew him the note.

A. If I had, I certainly should not have forgotten it.

Q. That is not quite an answer to the question?

A. I had not the note to shew.

Q. Did you not either give or permit Colonel Hamilton to take a copy of this very note that we are talking of?

A. Not that I know of.

Q. You

Q. You surely must know that fact, whether you gave him a copy, or gave him an opportunity of taking a copy of this note ?

A. I really cannot bring it to my recollection.

Q. If you had not the note in your possession, you surely would be able to bring to your recollection whether you gave him an opportunity of copying it ?

A. I rather think there was something of a note ?

Q. When was it that you now begin to recollect there was something of a note ?

A. It must be when Colonel Hamilton took the note, or saw the note.

Q. Then he did take the note ?

A. He must have seen the note of course, if he took a copy of it.

Q. You told me you thought he did not take a copy of it ?

A. I cannot pretend to say whether he took a copy of it.

Q. Do you mean to say that there was or was not a note referable upon this subject, which you shewed to Colonel Hamilton ?

A. Yes, I think there was a note.

Q. Was it the same note you shewed to Major Tonyn ?

A. That I do not recollect; I rather suppose it must have been the note that I did shew to Major Tonyn.

Q. Did you tell Colonel Hamilton that it was the same note ?

A. I do not recollect that circumstance at all, whether I did tell Colonel Hamilton it was the same note.

Q. Your memory, at the first time a question is put to you, is not always so perfect as it is afterwards; do you recollect whether you did represent it to Colonel Hamilton as the same note you had shewn to Major Tonyn ?

A. I shewed Colonel Hamilton the note.

Q. You now recollect that there was a note, and, that you shewed it to Colonel Hamilton ?

A. Yes, perfectly.

Q. What is become of that note ?

A. I believe the note is mislaid.

Q. When did you see it last ?

A. I saw it about six days ago, I think.

Q. A note that you did not recollect to have been in existence

existence when you began your examination, you now recollect to have been in existence six days ago.

A. Yes.

Q. Have you looked for it lately?—A. Yes.

Q. When?—A. Yesterday, and the day before.

Q. This note, which you did not recollect to have been in existence?

A. It is true; could I have found it, I should have brought it.

Q. I think you were examined just six days ago?

A. Was it six; I really do not recollect the day.

Q. Did you see that note the day of your last examination?

A. It might be a day after or the same day, but I cannot recollect which.

Q. You have done all you could within these few days to find it?—A. I certainly have.

Q. Are you quite sure you have not actually destroyed it?—A. That I am very confident I have not.

Q. Are you quite sure that you have not said you had destroyed it?

A. No, never did I say that I had destroyed it, to any body.

Q. Did you not tell Colonel Hamilton that you had destroyed it?—A. No.

Q. That you are positive of?

A. That I am certain of.

Q. Did Colonel Hamilton ever desire you not to destroy it?

Q. Colonel Hamilton desired me to speak every thing that I knew, and to shew every thing I had.

Q. Did he not expressly desire you to copy that paper, and not to destroy it?

A. He desired me not to destroy any paper I had.

Q. Did he not expressly desire you not to destroy that paper?—A. Certainly.

Q. Did he not do that more than once?

Q. I am sure I do not know; I have not more than once conversed with him.

Q. You had conversation with him at Portsmouth, had not you?

Q. Yes, but he did not know that I had this paper, for I hardly knew it myself.

Q. Did

Q. Did not you tell him you had a paper which you might destroy if you pleased?—A. No.

Q. You are quite sure of that?—A. Yes.

Q. And that he did not advise you upon that occasion not to destroy it?

A. If I had had any idea, I might have destroyed it without telling him; I told him, and he advised me not to destroy it.

Q. Where was this?—A. At Portsmouth.

Q. Had he it at Portsmouth?

A. I had not the paper with me at Portsmouth, I told him I thought there was a note in existence.

Q. Upon that occasion he did advise you not to destroy it?

A. He did advise me not to destroy it; he said, do not you destroy a single thing.

Q. When was it that Colonel Hamilton took a copy of this paper?

A. I believe it was the day after he came to town.

Q. Do you recollect where you were when he took this copy?—A. It was at the Coffee House.

Q. At what Coffee House, in what part of the town?

A. I think it is Southampton Row.

Q. When Colonel Hamilton took this copy, did he again remark to you, that you should keep this paper, and not destroy it?—A. He desired me not to destroy it.

Q. Did he at no second time desire you not to destroy the paper?—A. Certainly.

Q. Did you see Colonel Hamilton again in the course of the same day?—A. I rather think I did.

Q. Where did you see him?

A. I saw him at the British Coffee house.

Q. What did Colonel Hamilton say to you when you saw him at the British Coffee House?

A. It was upon regimental business I met him then.

Q. There was no reference at all to this subject?

A. Nothing to this, I do not recollect a word.

Q. Do not you recollect that he did upon that occasion also desire you not to destroy the note?

A. No, I do not recollect that.

Q. Did,

Q. Did he not give you some advice with respect to your conduct referable to these charges?

A. The same advice that he had given me before.

Q. Which was, that you should not destroy the paper?

A. To speak all I knew, and not destroy the paper; but this was in the morning, not at the second time when I saw him at the British Coffee House; we came into the street together, he went one way and I another.

Q. Then nothing passed between Colonel Hamilton and you upon the subject of these charges at the British Coffee House?—A. I do not recollect that there was.

Q. Do not you recollect Colonel Hamilton advising you not to suffer yourself to be examined upon the subject before you came to the bar of the House?

A. I believe not at that period, he told me, when I was speaking to him in the morning, you had better be quiet upon the subject, say nothing to any body upon the subject, but when you are called speak what you know, and do not destroy the paper.

Q. Do you not recollect, that at the British Coffee House, Colonel Hamilton advised you not to submit to examination, but to speak the truth when you came here, and above all things, not to destroy that note?

A. Not at the British Coffee House.

Q. Did he, at any place subsequent to your meeting with him at the Coffee House in Southampton Row, in the course of that day?

A. I do not think I have seen him more than three times since I have been in London, and he has been with his regiment at Croydon.

Q. You did see him a second time that morning?

A. At the British Coffee House.

Q. And upon the occasion of seeing him at that Coffee House, or your going from that Coffee House, did he not repeat this advice?—A. I do not recollect that he did.

Q. Do you not recollect stating to Colonel Hamilton that you would follow his advice, but that he would be very angry with you, for that since he had seen you last you had destroyed that paper?

A. Never such a conversation took place between us.

Q. Neither at that time or any other?—A. No.

Q. You

Q. You never stated to Colonel Hamilton that you had destroyed that paper?—A. No.

Q. Did you tell Colonel Hamilton that there was another paper that you had shewn to Major Tonyn, when the promotion was gazetted?

A. I had not another letter, I could not tell him that.

Q. It does not follow that because you had not it, you could not tell him you had had it?—A. I never had it.

Q. Did you tell him you had had it?—A. No.

Q. You did not tell him you had had it, and given it to Major Tonyn?—A. No.

Q. When did you see this paper last?

A. I think it is about five or six days ago.

Q. Where?—A. In my own room.

Q. Have you seen it since you were examined last?

A. No.

Q. Are you sure of that?—A. Sure of it.

Q. You stated, just now, you had seen it either the day before or the day after?

A. That was the time I saw it.

Q. Did any body else see it at that time?

A. Not that I recollect.

Q. Have you shewn it to any body else besides Colonel Hamilton since you have been in town?—A. No.

Q. Where did you put it when you saw it last?

A. Among some other papers which I had in my bureau.

Q. You are quite confident you have not got it now?

A. I have mislaid it somewhere.

Q. Did you carry it about with you in your pocket at any time?—A. Never.

Q. Was it with you when you were in Spain?—A. No.

Q. How came it to be with you in the Coffee House in Southampton Row, if you never carried it about with you?—A. To shew Colonel Hamilton.

Q. Had you it with you when you were at the British Coffee House?—A. No.

Q. Had you gone home between being at the Coffee House in Southampton Row and coming to the British Coffee House?—A. Yes.

Q. Where do you live?—A. In Lyon's Inn.

Lord Temple. Q. You stated that Mrs. Clarke gave you the note in question?—A. Yes.

Q. Did you read the note when she gave it to you?

A. I believe I did.

Q. Was it a sealed note or an open note?

A. An open note.

Q. You stated that you had not the note with you abroad; where did you lodge before you went abroad?

A. At Lyon's Inn.

Q. Did you leave your papers at Lyon's Inn?

A. Certainly.

Q. The note you say was not a sealed note; to whom was it directed?

A. I do not recollect that it had any address.

Q. You surely must recollect when you read the note; did you read it when Mrs. Clarke delivered it to you?

A. It is so long ago I do not recollect, it is five years ago nearly, and I cannot charge my memory whether I read it or not.

Mr. Cavendish Bradshaw. Q. Were you not to receive some pecuniary consideration from some person or other on the Gazetting of Major Tonyn?—A. Not a farthing.

Q. Why were you so anxious that Major Tonyn should wait a few days in hopes of his being Gazetted?

A. To oblige Mrs. Clarke, who wanted the money exceedingly.

Q. Were you confident that he would be Gazetted in a few days, from the influence of Mrs. Clarke?

A. No, I doubted her influence very much then.

Q. Can you by any possibility now produce the note?

A. It is not about me.

Q. Can you by any possibility now produce the note?

A. If I can possibly find it I will produce it.

Mr. Whitbread. Q. Is it possible that you should find it?

A. I have searched every where, and I cannot find it.

Q. Is it possible that you should find it?

A. I should hope it is possible.

Q. What is the ground of that hope?

A. Having put it among other papers in my bureau.

Q. Is it then in the bureau?—A. That I do not know.

Q. Has any body access to that bureau but yourself?

A. Now

A. Now and then my wife.

Q. Do you know that that note is now in the possession of your wife or any other person ?

A. Not to the best of my knowledge.

A. Have you given that note into the possession of any body to be kept ?—A. No.

Q. Have you given it into the possession of any person to be handed to another person to be kept ?—A. No.

Q. Is it or is it not destroyed ?

A. Not to the best of my knowledge.

Q. Have you given it to any person to be destroyed ?

A. Never to the best of my knowledge ; I have not destroyed it.

Q. Do you know that it is destroyed ?

A. I am pretty clear that it is not destroyed.

Q. If you are pretty clear that it is not destroyed, where did you put it when you last saw it ?

A. Among some papers in my bureau.

Q. Have you the key of that bureau now about you ?

A. No, I believe my wife has it.

Q. What makes you so clear that it is not destroyed ?

A. Because I never desired it should be destroyed.

Q. When you say you never desired it should be destroyed, that answer has reference to some other person to whom that desire must have been expressed if you have desired it ; whom do you mean when you refer to some other person, to whom such desire must have been expressed ?—A. I know no other person in the business.

Q. Then what do you mean by saying you never desired it should be destroyed ?

A. I was asked if I had desired it should be destroyed, and I said no.

Q. You were asked whether it was destroyed ?

A. And I said, not by my desire.

Q. You neither destroyed it yourself, nor desired any other person to destroy it ?—A. No.

Q. Then it is in existence ?—A. I should hope it is.

Attorney General. Q. You say that you put this paper into a bureau with other papers, when did you do that ?

A. I believe it was at the time, of course the last time I saw it, which might be five or six days ago.

Q. How long was it before you were examined here before?—A. I do not recollect.

Q. In what room in your house is this bureau in which you say you put it?

A. It is in my sitting room; I have but one sitting room.

Q. Have you searched that bureau for it since?

A. I have looked for it, but could not find it.

Q. Have you examined the papers in that bureau to see whether it is among them?

A. I have a variety of papers, it may be among them; I have searched, but could not find it.

Q. Do you mean to say you have searched in that bureau for it?—A. Yes.

Sir S Romilly. Q. You have said that you saw this paper six days ago, was that the same paper which was given to you by Mrs. Clarke?—I think it was.

Q. Are you sure that it was?

A. I am very certain that it was.

Q. Did you read it six days ago?—A. No.

Q. If you did not read it six days ago, how are you sure it was the same paper you received from Mrs. Clarke?

A. It is a remarkable piece of paper, and I could not forget it.

Q. What was there remarkable in the paper but the writing on it?—A. Dirty.

Q. You have said that you saw the paper six days ago, and that you looked for it two days ago; where did you look for it two days ago?

A. Where I had supposed I had put it, in the bureau.

Q. You said that you left it six days ago with other papers in a bureau; when you looked two days ago, were the other papers there?—A. I think they were.

Q. And this paper was the only one missing?

A. It appeared so to me.

Q. Who had the key of your bureau, between this six days ago and the two days ago?

A. Sometimes myself, sometimes my wife, sometimes it is left in the bureau.

Q. Do you think that if a Messenger was sent with you now to your rooms, you could find the papers?

A. I really do not know.

Q. What

Q. What do you believe ?

A. I really cannot tell ; I looked two or three times for it, and I could not find it two days ago ; it is mislaid in some place or other.

Q. What reason had you, in the beginning of your evidence this night, for saying you did not believe such a paper had ever existed ?

A. It was a very unpleasant circumstance, and I would have wished to have forgotten it.

Q. What circumstance do you mean was unpleasant ?

A. The whole of the business I thought unpleasant.

Q. Why did you, having come to the bar of this House to disclose every thing else you knew upon the subject, think this circumstance particularly unpleasant ?

A. I did not think this circumstance particularly, but the whole of it, as I mentioned before, unpleasant.

Q. When you shewed this note to Colonel Hamilton, and he took a copy of it, did you at that time read it ?

A. No, I did not.

Q. When you first mentioned the note to Colonel Hamilton, how did you describe it ?

A. Speaking of the promotion of Major Tonyn, I said there was a note in my possession that mentioned something about his promotion.

General Phipps. Q. By whom did you state that note to have been written ?—A. I cannot take upon me to say.

Q. Can you take upon yourself to say you did not state it to have been written by the Duke of York ?

A. I never saw the Duke of York's hand-writing, and therefore I could not.

Q. Can you take upon yourself to say you did not state it to have been written by the Duke of York ?

A. I certainly cou'd not.

Q. Did you ?—A. No, I did not.

Q. Did you state it to have been written in the name of the Duke of York ?—A. No.

Q. In whose name did you state it to have been written ?

A. I stated no name.

Q. As you permitted Colonel Hamilton to take a copy of this note, did you yourself take a copy of it ?

A. No, having the original there was no occasion.

Q. Did you think this a note of any importance ?

A. No, I did not.

Q. Was the copy Colonel Hamilton took of the note a correct copy ?—A. I do not know.

Q. Did you read the copy which Colonel Hamilton took ?—A. No.

Q. Was there any signature to the note ?

A. To the best of my recollection, none.

Q. Did you know whose hand-writing it was ?—A. No.

Q. Do you know Mrs. Clarke's hand-writing ?

A. Sometimes.

Q. Was it in her hand-writing ?

A. I really cannot take upon me to say.

Q. Did you ever see her write ?—A. Repeatedly.

Q. Does Mrs. Clarke write in different hand-writings, or always in her own ?

A. I have repeatedly had notes from Mrs. Clarke, which have been written so differently that I could not have supposed them to be the same person's writing.

Lord H. Petty. Q. Have you, either before or after you communicated this note to Colonel Hamilton, had any conversation or communication with any person whatever respecting that note ?

A. Not to the best of my recollection.

Sir J. Graham. Q. Was any person present, six days ago and two days ago, when you were searching for this note ?—A. No.

Q. You are sure there was no person in the room at the time ?

A. No, except my wife, she might be in the room.

Q. Had your wife and you any conversation on this subject ?

A. Of course a great deal, which we have every day.

Q. Did she ever state to you she had destroyed the note ?

A. Never.

Q. Did she ever state to you that she had delivered it to any other person ?—A. Never.

Q. Did you ever desire her to take it out of the bureau ?

A. Never.

Mr. Bragge Bathurst. Q. How was the copy taken ?

A. Colonel Hamilton copied it.

Q. Was

Q. Was it compared with the original after it was copied?—A. Not that I know of.

Q. Where did you put it after it was copied?

A. Into my pocket-book.

Q. With other papers or singly?—A. Singly.

Q. Did you go home from the Coffee House?

A. Immediately.

Q. How did you deposit it in the bureau?

A. By putting it into the bureau.

Q. Did you put it in a bundle with any other papers?

A. Not that I recollect.

Q. Endeavour to answer positively to questions within your own knowledge?

A. I cannot recollect whether I did or not.

Q. Have you searched all your bundles of papers as well as your loose papers?

A. Generally speaking, I think I have.

Q. How can you undertake to say it is not in your bureau, if you have not searched all your papers?

A. I think I have searched all my papers.

Q. When you met Co'onel Hamilton at the British Coffee House, you say you did not tell him it was destroyed?—A. Certainly not.

Q. Did you say any thing to him about the note?

A. I had no conversation with him upon the subject.

Q. Then you did not say to him that “they had forgot the note;”—A. No, “they forgot it.”

Q. Any such words as that?—A. No.

Q. What is it makes this particular circumstance of the note so unpleasant to you?

A. It is no further unpleasant than my losing the note; if I could find it I should produce it with the greatest pleasure.

Q. Did not you say, that the reason for your not admitting that you knew of this note, at the beginning of this examination, was, that it was an unpleasant circumstance that you wished to forget?

A. The whole of the business I conceive to be unpleasant, and I was very sorry that I had any thing to do with it.

Q. What is there particularly unpleasant in the circumstance of this note?—A. My having lost it or mislaid it.

Q. How

Q. How can the circumstance of your having lost it, induce you to deny your ever having had it ?

A. From the reason that it was unpleasant throughout the whole.

Q. What is the unpleasantness you conceive in confessing you have lost it, if it be true ?

Q. I should be very sorry that I had lost it, and I hope I shall find it.

Q. What is the unpleasantness you conceive in confessing you have lost it, if it be true ?

A. That is the unpleasant part, that I have lost it.

Q. What is the unpleasant part ?

A. That I have lost it.

Q. How can the circumstance of your having lost it, induce you to deny your ever having had it ?

A. From the reason that it was unpleasant throughout the whole.

Q. Did you not deny, at the first part of your examination, that you had such a note ?

A. I conceived that I had not the note.

Q. Were you asked, whether you had the note now, or whether such a note had ever been in existence ?

A. I was asked, in the first instance, whether the note was in existence, or whether a note was in existence, and I believe I doubted it ; since which I have recollected it.

“ *Withdraw !* ” “ *withdraw !* ” from all parts of the House.

[The Witness was directed to withdraw.]

The SPEAKER* addressed the Chairman Mr. Wharton, to the following effect upon the present occasion, I conceive the first proceeding is to move that Captain Huxley Sandon has been guilty of gross prevarication in the testimony he has given this night at the bar.” (*Cries of move, move*).

Sir SAMUEL ROMILLY—I rise, Sir, not to object to the proposition of the Right Honourable

* Mr. Charles Abbott.

Gentleman,

Gentleman, but, as I am anxious to put a question to the witness, I wish to ascertain whether it would be in order after the Committee had adopted this resolution. (*Cries of move, move, move*)

The SPEAKER. I beg leave to move that Captain Huxley Sandon has been guilty of gross prevarication in the evidence that he has given this night at the bar, The question being put, was amidst continued cries of aye, aye, carried *nemine contradicente*.

The SPEAKER. I next move that the Chairman do immediately report the Resolution to the House.

The House having resumed, received the Report, and,

[The SPEAKER having taken the Chair,]

The CHANCELLOR of the EXCHEQUER moved, that the said Captain Huxley Sandon should be taken into the custody at the Serjeant at Arms.—(*Cries of Newgate! Newgate!*).

The SPEAKER communicated to the House, that in such cases there were two distinct processes to be followed.

Lord FOLKSTONE. As an amendment to the motion of the Right Honourable the Chancellor of the Exchequer, I move that the said witness be forthwith committed to the Gaol of Newgate.

Mr. BATHURST wished to know, whether by not acceding to the amendment the original motion was hazarded?

The SPEAKER stated, that there were three modes for the adoption of the House, namely, to commit the witness to the custody of the Serjeant at Arms, to deny any access to him, or to send him to Newgate.

The CHANCELLOR of the EXCHEQUER observed, that it was by no means his intention to limit his motion to the dry committal of the witness to the custody of the Serjeant at Arms. There were other
objects

objects to be considered, such as directing the Serjeant to convey the witness to his lodgings, in order to examine for this note amongst his papers, and to have him near to the House, in case the Committee should feel a wish to examine him, on any point which may subsequently arise.

Lord FOLKSTONE, on those grounds, withdrew his amendment.

Mr. SUMNER recommended the expediency of seizing on all the papers of the witness, and of taking the wife into instant custody, lest she should destroy the document which was sought.

The SPEAKER intimated, that although the precedents of the House empowered it, to apprehend supposed delinquents, and to send its officers to make every examination conducive to the ends of justice, still it would consider seriously whether the present was a case to carry such a power into effect.

Lord TEMPLE considered it a case where the House ought to appoint a Committee for the examination of all the papers of the witness. He believed there were precedents in the period of the South Sea House investigations.

The SPEAKER—Such a power was exercised in the reign of Charles II. when a Committee was deputed to examine the papers of Mr. Montague, at Whitehall.

The CHANCELLOR of the EXCHEQUER thought that the House should not, in the present stage, direct that the wife of the witness should be taken into custody, although it might be expedient to have her summoned.

Mr. SUMNER explained, that his object in recommending such a proceeding, arose out of the evidence of the witness himself, who stated, that his wife had access to the bureau in which this note was placed.

Lord

Lord TEMPLE, conceiving it provable that other papers connected with the issue of this investigation were in the possession of the witness, thought it advisable in the House to depute two of its Members, to select and examine all the papers at his lodgings.

Mr. BANKES considered the proposal of the Chancellor of the Exchequer, to send the Serjeant at Arms, or his proper officer, as the milder and equally effectual course.

As the motion to that effect was about to be put—

The Serjeant at Arms having taken Captain Huxley Sandon into custody, by Order of the House, a request from him was communicated to the House, that he might be brought to the Bar ; which being done, he addressed the House, as follows :

I must humbly hope that this Honourable House will do me the honour of excusing my prevarication ; and I beg to assure them it is not from a bad heart, but a confused head. I am exceedingly sorry I have done any thing to displease this Honourable House. I come here to offer every thing in atonement I possibly can, and I hope the House will do me the honour to hear me.

Mr. Speaker.—If the Prisoner has more to offer to the House, this is his time.

Captain Sandon.—With regard to the evidence ? Is it to the evidence I am to speak ?

Mr. Speaker.—You will offer to the House whatever you think becomes your case and situation.

Captain Sandon.—I beg pardon of the House for my prevarication, and I beg that the House will do me the honour to excuse my extraordinary behaviour ; and will be assured, that all I have, and all I know now I certainly will relate. With regard to the note in question, it is not destroyed ; I have it in my possession at my chambers ; if it is required I can go and fetch it, I think I can put my hands upon it : the note that you were speaking of was given me to shew Major Tonyn, and to say that his pro-
motion

motion would not go on unless he paid the money. I took the note, and produced it to Major Tonyn, with that message. I shewed him the note, with what I mentioned before, desiring him to wait three or four days. I believe he said, what I related to this Honourable House before, that he would, in consequence of this note which I shewed him. I brought back the note, and I have it now in my possession: he was gazetted, and the five hundred pounds was paid to Mrs. Clarke, and the twenty-five pounds to Mr. Donovan. If this Honourable House would wish to see the note, I will go and fetch it. As to who wrote the note, I cannot take upon me to say: Mrs. Clarke told me it was written by the Duke of York.

Mr. Speaker.—Does the Prisoner desire to add more?

Captain Sandon.—I have nothing more to say relative to that; I only humbly hope the House will do me the honour of excusing me the prevarication I made use of.

[The Prisoner was then taken from the Bar; and the House determined that he should be sent in custody to his chambers to fetch the Papers; and that he should be brought before the Committee of the whole House whenever they should see fit.]

Sir WATKIN WILLIAMS WYNNE urged the propriety of questioning the witness on his reasons for denying any knowledge of where the note was, before he should have time to fabricate any pretext.

Lord HENRY PETTY postponed the discussion of the Cintra Convention, which stood for to-morrow, until Tuesday next, having understood that the public service rendered it necessary to vote the Army Estimates on Monday next.

Mr. PONSONBY and Mr. WHITBREAD postponed their two motions, and without fixing on any particular day, with an understanding that they should precede all other subjects, as soon as the delicate and important investigation now before the House was terminated.

The

The Speaker left the Chair, and the Committee resumed its examination.

Mrs. MARY ANN CLARKE was called in, and examined by the Committee, as follows :

Chancellor of the Exchequer. Q. Do you recollect what passed between you and Captain Sandon in consequence of any application from Major Tonyn, expressing his impatience at the length of time that elapsed before he procured his appointment ?

A. No ; I really do not know, although I have been reading Captain Sandon's evidence just now in the room I have been in.

Q. Do you mean the evidence he gave on a former day when he was examined ?—A. Yes.

Q. In the fifth number of the Minutes ?

A. I believe it is one of the last that has been printed.

Q. You do not recollect Captain Sandon's coming to you at all upon the subject ?

A. I recollect that Captain Sandon was employed by Major Tonyn ; I am confident as to that.

Q. Do you recollect Captain Sandon's at any time acquainting you with Major Tonyn's impatience upon the subject ?

A. No, I do not, although I have been reading about it.

Q. You do not remember any representation having been made to you by Captain Sandon, that Major Tonyn intended to withdraw the deposit he had made, in consequence of delay ?

A. No, I do not recollect it ; though he might have, perhaps, mentioned it.

Q. Do you recollect having sent any message to Major Tonyn by Captain Sandon ?

A. I cannot recollect that I did ; perhaps it is likely, but it is a long while since.

Q. Do you recollect having sent any paper to Major Tonyn by Captain Sandon ?—A. What sort of paper ?

Q. Any paper.

A. I could speak more positively if it was mentioned what sort of paper.

Q. Any written paper.

A. Of my own writing, or any other person's.

Q. Any written paper.

A. I do not recollect; I was always very cautious of giving any written paper out of my hands.

Q. As far as you recollect, you have not sent any written paper to Major Tonyn?

A. I do not think I did, but I cannot speak positively.

Q. As you were so cautious in putting any paper out of your hands, would you not have recollected that circumstance if it had occurred?

A. If he meant to insinuate that there was any writing of the Duke of York's, I never did in my life to any one.

Q. You are quite sure you never committed any paper to Captain Sandon, which you represented as the writing of the Duke of York?

A. I am quite certain, not to any one whatever, except lately, and once to Mr. Mannes a few notes.

Q. If you had sent such a paper by Captain Sandon to Major Tonyn, is it possible that you could have forgotten it?

A. No, I should not have forgotten any thing of that sort belonging to the Duke of York.

Q. Are you acquainted with Mrs. Hovenden?

A. I was.

Mr. Freeman. **Q.** Do you recollect at any time having received a note from the Duke of York upon the subject of Major Tonyn?

A. No, I do not; there was no occasion for any notes to pass, because I was in the habit of seeing his Royal Highness every day, except he was in the country, and that happened perhaps only for a week or ten days in one year.

Q. Did you ever hear Captain Sandon say, that he had shewn a note to Major Tonyn, which purported to be a note of his Royal Highness the Duke of York?—**A.** No.

Q. You are not aware of any note, purporting to be a note of the Duke of York, being shewn Major Tonyn by Captain Sandon?

A. No, I am quite clear nothing of the sort was ever mentioned to me before.

Q. Do you mean to state, that you did not give any
note

note to Captain Sandon which might appear to be a note of the Duke of York?—*A.* No.

Q. You stated, that you sent some notes to Mr. Manners; do you mean to state that those were in the handwriting of the Duke of York?—*A.* Certainly I do.

Q. Did you or did you not send any note to Captain Sandon?

A. I never recollect sending him any note, but more especially any note of the Duke of York's, because I should have been afraid of entrusting it to him.

[The following Questions and Answers were read.—

“ *Q.* As you were so cautious in putting any paper
“ out of your hands, would you not have recol-
“ lected that circumstance if it had occurred? *A.*
“ If he meant to insinuate that there was any
“ writing of the Duke of York's, I never did in
“ my life to any one.—*Q.* You are quite sure
“ you never committed any paper to Captain San-
“ don, which you represented as the writing of the
“ Duke of York? *A.* I am quite certain not to
“ any one whatever, except lately, and once to
“ Mr. Manners a few notes.”

Chancellor of the Exchequer. *Q.* How does it occur to you to think that Captain Sandon might have insinuated any such thing?

A. Because I think he might have insinuated any thing; I think he is very equal to it.

Q. If Captain Sandon has presented any note to Major Tonyn, purporting to be a note written by the Duke of York, and given to him by you, is it true?

A. I do not think it is, and I am almost sure it is not, perhaps he has written one himself.

Q. During the negotiation with Major Tonyn for the Majority, was any representation made to you by Captain Sandon, that Major Tonyn was tired of waiting, and threatened to withdraw the money he had deposited?

A. I do not recollect it.

Alderman Combe. *Q.* Did you ever express to Captain Sandon a wish on your part that Major Tonyn would not be impatient, because you wanted the money which you were to receive upon his success?

A. No, that would be the very reason I should wish him to be impatient.

Q. In the last interview you had with Captain Sandon upon the subject of Major Tonyn, did he write any thing in your presence?

A. It is impossible for me to say, it is so long since.

Q. Do you recollect Captain Sandon having read any thing to you in that interview?—*A.* No, I do not.

Q. Do you recollect a paper being produced before you by Captain Sandon at that interview?—*A.* I do not.

Sir G. Hill. *A.* Did you ever express, here or any where else, that Major Tonyn was a shabby fellow for his impatience in wishing to withdraw his note?

A. No, I thought him a perfect Gentleman when Mr. Donovan introduced him to me, and wished him to be made a Lieutenant-Colonel previous to his going to America; I fancy he is in America now.

Mr. Brand. *Q.* Had Captain Sandon any, and what interest in the success of this negociation respecting Major Tonyn?

A. Yes, I believe he effected it with me; there was no promotion in the 48th Regiment, the Duke of York had stopped it, I think, for two years, and the Captain was very eager to get out of it on that account.

Q. Was Captain Sandon to have any per-centage or proportion of the profit arising from the success of the negociation, and payment to be made upon Major Tonyn's success in his application for promotion?

A. I believe that he was, for I have understood from a great many persons, that Major Tonyn was a very generous sort of a man, and Captain Sandon would not have interested himself so much as he did for him without some reward.

Q. Did you ever understand from Captain Sandon himself that he expected any such advantage?

A. Yes, I did, and from every one that he mentioned to me.

Q. Before you came to the Bar of this House, had you any information of the substance of the examination of Captain Sandon before the Committee to-night?

A. Not the least.

[The

[The following Question and Answer were read.—

“ Q. As you were so cautious in putting any paper
“ out of your hands, would you not have recol-
“ lected that circumstance if it had occurred? A,
“ If he meant to insinuate that there was any
“ writing of the Duke of York’s, I never did in
“ my life to any one.”

Q. Why did you suppose that the person proposing that question meant to refer to any writing of the Duke of York?—A. From what one of the Gentlemen said to me.

Q. Do you mean any question which has been put to you since you came to the Bar?—A. Certainly.

Q. Which question?

A. The questions from the Chancellor of the Exchequer.

Q. Did you give Captain Sandon any part of the profit you were to receive from the promotion of Major Tonyn?

A. I do not recollect that I did, but he used to give himself, I believe, from Colonel French’s money.

Q. You did not give him any yourself?

A. I do not recollect that I did.

Q. You have said, that you understood from Captain Sandon, that he was to derive some profit from the promotion of Major Tonyn; state what Captain Sandon said to you upon that subject?

A. Only that my five hundred pounds would be clear, and that where he had his from, would be from the other party, what emolument he was to get by it.

Mr. REID being called in—

Mrs. Clarke. Q. Is there any precedent, may I ask, for having two Witnesses at the Bar of this House at one time?

Chairman. A. I apprehend the Committee will call to the Bar what Witnesses they please.

Mr. JOHN REID was then
examined by the Committee, as follows :

Q. Do you know the Witness at the Bar?—A. Yes, I do.

Q. Did she ever come to your house under the name of Mrs. Dowler?—A. By no other name.

Q. Is the Witness at the Bar the person whom you represented as having been frequently at your house with Mr. Dowler?—A. Yes.

Mrs. Clarke. Before Mr. Reid leaves the place, I beg leave to say, that I never said I was Mrs. Dowler; he might put what construction he thought proper upon it.

(To Mr. Reid) Q. Did she ever answer to the name of Mrs. Dowler in your presence?

A. To my servants, I have no doubt that was her answer, upon all occasions whenever I spoke to her, I always, I suppose, said "Ma'am," but if I mentioned any name it was Mrs. Dowler.

Q. Did you ever hear her addressed as Mrs. Dowler in your presence?—A. Yes, I have.

Q. Did she answer to that address?—A. Yes.

Q. Did you ever hear her answer to the name of Clarke?

A. I never heard her called by any other name but that of Mrs. Dowler, I never heard her called by the name of Clarke.

Mr. A. Baring. Q. Did you believe her name to be Dowler?—A. I had not a doubt of it.

Q. And you believed her to be married to Mr. Dowler?

A. I had not any doubt of that.

Q. Did nothing ever occur to induce you to entertain a doubt of that?—A. Never.

Q. You always believed the Witness at the Bar to be Mrs. Dowler, and the wife of Mr. Dowler?

A. Yes, I mentioned that before, and I mentioned a very particular circumstance why I thought so.

Mr. C. Adams. Q. Have you ever heard Mrs. Clarke say that her name was Dowler?

A. I never heard her mention her name at all.

Q. Would you not have been afraid of the credit of your house if you had called her by any other name?

A. Good God! I should not have thought of any thing of the kind.

Q. Did any letters ever come to Mrs. Clarke by any name whatsoever, while she was at your house?

A. Not to my knowledge; they never came under my inspection, they came to the bar.

Q. By whom did you ever hear her called Mrs. Dowler?

A. By

A. By all those that spoke to her there; when they came to my house, if they asked for her at all, they asked for Mrs. Dowler.

Q. Did Mr. Dowler ever call her Mrs. Dowler in your presence?

A. Upon my word I could not take upon me to swear it, but I always understood it to be so, and I never had any doubt about it.

Q. By whom did you understand it to be so?

A. By Mr. Dowler himself calling her Mrs. Dowler.

Q. Did Mr. Dowler and that Lady always come there together?—*A.* No.

Mr. Wandle. Did Mr. Dowler lodge there at any time?

A. Yes.

Q. And that Lady came occasionally?—*A.* Yes.

Mrs. Clarke. That was when the Bailiffs were after me.

(*To Mr. Reid.*) *Q.* Were there many inquiries made at your house in the name of Mrs. Dowler?

A. I seldom answer any inquiries at all, I leave my wife to do it; and it is the business of the bar maid.

[Mr. Reid was directed to withdraw.

Mrs. Clarke. May I speak a word; I merely wish to ask a question of some of the Crown Lawyers.

[After a general laugh, and a cry of “*Order! order,*” the Chairman informed the Witness that could not be permitted.]

General Loft. *Q.* Do you know Mrs. Hovenden?

A. Yes, I do.

Q. Was it at the period of time when she was under the protection of Mr. Dowler, brother to the Mr. Dowler who has been examined at the Bar?

A. He has no brother.

Q. Were you in the habits of visiting the Taylor family when they lived at Bayswater?—*A.* Yes.

Q. Do you know Mrs. Taylor very well?—*A.* Yes.

Q. Do you know Mr. Taylor?—*A.* Yes.

Q. Did you know there was a Mr. Taylor

A. Yes, Miss Taylor’s father.

Q. Did you ever see Mrs. Taylor write?

A. No, I cannot say that I did.

Q. You

Q. You never have been in the habits of corresponding with her ?

A. No, only with Miss Taylor, and Mr. Dowler does not know Mrs. Hovenden.

Q. Do you know a Mr. Chance, a Stock Broker ?

A. No, I do not.

Q. Do not you know that the Mr. Taylor you speak of was Mr. Chance ?

A. No, I know he is not ; I know he is Mr. Taylor.

Q. Do you recollect a circumstance about two or three years ago, of the Miss Taylor, who was examined at this Bar, being about to be married to a Mr. Knowles ?

A. No, I do not ; I know there was a young man paid his addresses to her, I believe a physician, but I did not know that there was any marriage intended ; I fancied she had not liked him.

A. Do you not know that it did not go on, on account of her name not being Taylor ?

A. No, I do not, for I know her name is Taylor, and she has five brothers in his Majesty's service, who bear the same name, three in the Army, and two in the Navy.

Q. Do you know the age of Miss Taylor ?—A. No.

Q. Do you suppose her more than five or six and twenty ?

A. I cannot tell any thing about her age.

Q. Do you know that Mrs. Taylor is a widow, and not a married woman ?

A. No, I do not, because I know her husband.

Q. Did you keep a man cook at the time you lived in Gloucester Place ?—A. Yes.

Q. Did you keep more than one ?

A. The man generally used to bring his assistant with him ; it is a regular thing that when you have a man cook, that an assistant comes with him.

Q. You did not keep a man cook by the year ?

A. No, they staid a very short time with me, any one ; his Royal Highness is very difficult.

[The Witness was directed to withdraw.

[Mr. Beresford wished to put a few questions to the Honourable Gentleman who had brought forward the charge.]

GWYLLYM

GWYLLYM LLOYD WARDLE, Esq. was examined in his place, as follows :

Q. Have you placed upon the table of this Committee all the correspondence you have had with Mrs. Clarke, relative to the accusations you have brought forward ?

A. No, certainly not.

Q. Have you any objection so to do ?

A. Yes, most assuredly, I have a very great objection.

Q. Have you any objection to lay upon the table all those letters which you took from Mrs. Clarke ?

A. These letters are already all laid upon the table ; and I do assure the Honourable Gentleman, I do not know that I have a letter of Mrs. Clarke's at this moment by me.

Mrs. ALICE CORRI was called in, and examined by the Committee, as follows :

Sir J. Hall. **Q.** Are you married to Mr. Corri the Music master ?—**A.** Yes.

Q. How long have you been married ?

A. As near as I can recollect, five years next April.

Q. Do you know Mrs. Clarke ?—**A.** Yes.

A. Do you recollect a conversation that passed between Mrs. Clarke and your husband, yourself being present, with regard to certain papers which Mrs. Clarke expressed great anxiety to have burnt ?—**A.** Very little.

Q. Relate what passed upon that occasion, as far as you recollect ?

A. I recollect Mrs. Clarke telling Mr. Corri, she was just going to him, that he came very apropos, for that there had been something satirically inserted in the newspapers, something relative to a female Clerk ; I cannot recollect the whole of it, not thinking that I should be called here ; and she begged, if there were any letters, Mr. Corri would immediately burn them.

Q. Were you employed in burning them ?

A. Yes, Mr. Corri gave them to me.

Q. Did you actually destroy them all ?

A. Not then, I did not destroy any of them at the time ; I laid them in a box, and never thought of them till just before this proceeding began ; I think last Saturday fortnight or three weeks, Mr. Anthony Corri, Son of Mr. Corri,

Corri, brought a newspaper to us, stating that his Father would be called to the House of Commons ; it immediately then came to my mind, that I had those letters by me, and he advised me to burn them ; and he said, I had better not say any thing either to his Father or any body else, but to burn them ; which I did two days afterwards.

Q. What motive did Mrs. Clarke assign for wishing to have those letters destroyed ?

A. I really do not know ; I cannot say ; I do not recollect it.

Q. Did she not express a fear with respect to the Duke of York ?

A. I have something faint on my memory, but I could not say it positively ; for the conversation was directed to Mr Corri, and I overheard a word or two ; I never thought of being called here, and therefore did not pay particular attention to it ; I have a very faint idea, but cannot recollect exactly.

Q. Did any thing pass as to the apprehension of the Duke's anger ?

A. I have some recollection, but I cannot positively say ; it was something of the kind.

Mr. Wardle Q. Did you ever peruse the letters that were in your possession ?

A. I looked them slightly over before I burnt them.

Q. Are you sufficiently acquainted with the contents of the letters to speak positively as to the subject ?

A. I cannot recollect one word that was in them, for I was in a very great hurry, and very much afraid lest Mr. Corri should know that I had disobeyed his command in not burning the letters sooner ; and I burnt them as quick as possible.

[The Witness was directed to withdraw.

[After waiting a considerable time, the Chairman acquainted the Committee, that Captain Sandon was ready to appear at the bar.]

Captain HUXLEY SANDON being brought in, in the custody of the Serjeant at Arms, was examined by the Committee, as follows :

Chancellor

Chancellor of the Exchequer. Q. Have you found the paper?—A. I have.

Q. Have you got it with you?

A. The Messenger has it, and every other paper that I had that was connected with it.

GEORGE WHITTAM, Esq. was examined by the Committee, as follows :

Q. Where did you find this paper?

A. I found this letter in Captain Sandon's bureau; this is the letter, I understand, I was sent in search of particularly.

Q. Have you any other paper?

A. There were two other letters of Mrs. Clarke's in the bureau, which Captain Sandon put into my hands.

Q. Any other letters any where else?

A. Here is a bundle of letters of Mrs. Clarke's principally; they were in this brown paper, and in Captain Sandon's bed room; they were taken out of the paper, and I sealed them up.

[Mr. Whittam was directed to withdraw.]

(*To Captain Sandon.*) Q. Look at that paper, and see whether it is the paper you shewed to Major Tonyn?

A. I think it is.

Q. Is that the paper you received from Mrs. Clarke?

A. Yes, it is.

Q. You received it from her own hand?

A. Yes, she gave it me.

Q. Was any one present at the time?—A. I believe not.

[The Note was read.]

Addressed	"I have just received Your Note,
"George Farquhar, Esq."	"and Tonyn's business shall remain
	"as it is—God bless you"

Q. Did not Colonel Hamilton give you the advice which he had given you before, either at the British Coffee House or in the street near the British Coffee House, on your meeting on the Saturday?

A. I do not recollect that he mentioned any thing in the street; in the Coffee House he could not, for there were others in the same box; he said, will you come out, and we went out.

Q. Did

Q. Did he not when you went out ?

A. We went out together.

Q. In the street did he not say something to you upon the subject ?—**A.** I do not recollect it.

Q. Did he not desire you not to destroy the papers, and did you not say that he would be very angry with you, for that you had destroyed it ?—**A.** Never, to my recollection.

Q. What are the other papers which you have given in ?

A. They are letters from Mrs. Clarke to me.

Q. Are they on the subject of Major Tonyn's business ?

A. Not precisely upon Major Tonyn's business ; upon the Levy, and Major Tonyn's business.

Sir W. W. Wynne. **Q.** What is the reason you denied having possession of this letter ?

A. I can urge nothing upon my behalf ; and I hope this Honourable House will do me the favour to excuse it.

Q. Were you directed by any person to do so ?—**A.** No.

Q. What motive had you for so doing ?

A. I had no motive whatever ; I am ashamed of myself for my conduct ; I could have none.

Mr. Simeon. **Q.** When you delivered that letter to Major Tonyn, did you deliver it open or sealed ?

A. It was open.

Mr. W. Smith. **Q.** You have stated that you considered this to be a paper of no importance ; if you considered it to be a paper of no importance, assign any possible motive you could have for taking so much pains to conceal its existence ?—**A.** I can urge nothing.

Q. You must perceive there is a great deal of difference between being able to urge an excuse, and being able to assign a reason ; you are not desired to give an excuse, but to assign any probable reason, because it appears that some reason you must have had ?

A. I can urge no reason whatever for it.

Q. Were not you conscious that you were telling a falshood ?

A. I have already acknowledged that I am ashamed of what I have done.

Q. Then do you expect the Committee to believe that you came hither and told a falshood deliberately, which you knew to be such at the time, without having any motive for so doing ?

A. I

A. I had no motive whatever for doing so, but I again beg the House to do me the favour to excuse me for telling them that falsehood.

Q. When Mrs. Clarke gave you that letter, did she tell you it was written by his Royal Highness the Duke of York?

A. I do not exactly recollect whether she said it was written by him, but she said it came from him.

Q. Do you know the hand-writing of the Duke of York?

A. I never saw it in my life, to my recollection.

Q. Did Mrs. Clarke at any time express any anxiety to recover the letter she had intrusted to you?

A. No, she never mentioned it, and I never heard any thing more about it.

Q. Are you acquainted with the hand-writing of Mrs. Clarke?—A. Yes.

Q. Does it appear to you that the note in question is the hand-writing of Mrs. Clarke?—A. No, it does not.

Q. Have you had any communication with any other person on the subject of the production or non-production of that letter in this place?—A. None.

Q. Who is George Farquhar, Esq. to whom the letter is directed?—A. I really have no knowledge who he is.

Q. You stated before, that Mrs. Clarke was used to write in different hands, do you now assert that?

A. In the letters that are there you will find a vast variation in the hand.

Q. Did you ever see Mrs. Clarke write?—A. Repeatedly.

Q. Should you know her hand-writing if you saw it?

A. Yes, I think I should.

Q. Do you or do you not know who wrote that letter?

A. No, I really do not.

Q. In the course of your long acquaintance with Mrs. Clarke, and your communication with her upon business, did she ever, upon any other occasion, communicate to you a note from the Duke of York?—A. Never.

Q. She never communicated a note from the Duke of York on any business but this?—A. Never.

Q. Can you recollect what she said upon communicating this note, whether it was communicated with any caution to take care of it, or not to communicate it to others?

A. No, I cannot recollect any thing of the circumstance.

Q. Did Mrs. Clarke, or any other person, ever desire you to destroy the letter in question?—A. Never.

Q. You have stated that you have seen Mrs. Clarke write different hands, did you ever see her write different hands?—A. No.

Q. Then what do you mean by saying she writes in various hands?

A. In the letters addressed to me, which are now before the House, there is a variety in the hands.

[The Witness was taken from the Bar.

Mrs. MARY ANN CLARKE was called in; and the Note delivered in by the last Witness being shewn to her, she was examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Do you recollect ever seeing that paper before?

A. I suppose I must have seen it before, for it is his Royal Highness's writing.

Q. What reason have you to suppose you have seen it before?

A. I do not know how it could have got into that man's possession unless I gave it to him, and it was a direction I used very often to get from his Royal Highness, "George Farquhar, Esq."

Q. Do you now recollect having given to Captain Sandon a letter upon this subject?

A. No, I do not, nor do I recollect giving him that; but I think I must have given it to him, because it must have been in my possession first.

Q. Do you always write the same kind of hand?

A. I cannot exactly say how I write, I generally write in a great hurry.

[Two bills being shewn to the Witness]—Those are the two for which Captain Thompson was arrested the other day.

Q. Are they both your hand-writing.

A. Yes, guiding my mother's hand; they were both before the Court Martial.

Q. Were they both, guiding your mother's hand?

A. If you read the Minutes of the Court Martial, you will see.

Q. Were

Q. Were they both, guiding your mother's hand?

A. Yes, I think they were.

Q. Did your mother hold the pen and you guide her hand, when you wrote both those?

A. It was the general way in which I had done with her, for these four years.

Q. Did you in point of fact, on that occasion, guide your mother's hand when she held the pen?

A. Yes, I did.

Q. And in both of them?

A. Yes, I believe I did; it had quite her sanction.

Q. I do not ask whether you had the authority of your mother to draw these bills in your mother's name, but whether you can now recollect that your mother held the pen while you guided her hand in writing both those drafts?—A. What would be the insinuation if she did not?

Q. You must answer the question?

A. Then I must answer to the best of my recollection: my mother was in the room at each time, and Mr. Manneys; you think, perhaps, there is a difference in the hand-writing.

Q. You must answer the question?

A. I am not quite positive, but I dare say I did, for I knew she was privy to both, and was in the room when both were done; but there was something irregular on the back about the indorsement; perhaps you wish to make it appear a forgery.

Q. I do not aim at any such object, but wish to know whether you can take upon yourself to state that those bills were both written with your mother's hand, you guiding it?—A. I am positive as to one.

Q. Which?

A. I cannot say which; if I had been at all terrified about the bills from any thing improper in them, I should have got them out of the way.

Q. Do you write the same kind of hand when you are guiding your mother's hand as when you write your own?

A. Very nearly, only that I do not write so quick when I am with her; I have done it five hundred times; she cannot write without a guide, not lately; it must be my own writing, because she has very little use of her hand, therefore it is my writing, and not her's.

Q Does not the fact of your having your mother's hand in your own, while guiding the pen, make a difference in the appearance of the letter ?

A It is very likely that it may, I never attended to it, it has generally been something short where her hand was used, such as signing her name, or half a dozen words.

Q Look at these, and see if both are not written in that way with the same hand ?

A I really cannot say, I do not see much difference between them; I should rather think this one was the one, if it was either, if I did write it alone, this dated July, that is the quickest writing, it seems as if it was done quicker than the other

Q Do you mean to say you do not see much difference between the writing of those two notes ?

A It does not strike me there is a great deal of difference; I have seen the notes before, and I believe made nearly the same observations, and if I was at all conscious of any thing improper in them, I certain'y should have paid them before, for I dare say I have had it in my power.

Q Do you ever write different hands ?

A No, I do not know that I do, I do not pay any attention to it, other people are the best judges

Q Is the indorsement of the note that is indorsed, in your hand-writing ?

A No, it was done the same, my mother was by, and I guided her hand

Q That is guided too ?

A Yes, it is upon the same bill, and Mr. Manners was by both times, and I believe he was not much better acquainted with the bill drawing up than ourselves, which made something incorrect here, nor was Captain Thompson, to whom he gave them as Paymaster.

Q Have you ever imitated other hand-writings ?

A No; you do not mean that I imitated the Duke of York's ?

Q Have you ever imitated any hand-writing ?

A No, not to make any use of it, I might, with two or three women, laughing, or any thing in that way, imitate a hand, but not to make any use of it whatever; not to send it out ever.

Q You

Q. You have done it, to see whether you could do it ?

A. I do not know that I have done it, but it is very often; when women are writing, that they might say, Come you write a hand, and see whether it is like any one's hand; I have done it lately; several of us were sitting together, and we were playing at some kind of game; perhaps there might be some bad construction put upon that.

Q. What have you done ?

A. I have said, 'is not this like such a sort of hand,' and, 'that like such a sort of hand.'

Q. What sort of hands were you imitating at that time, when you asked, 'whether it was like this sort of hand' or 'that sort of hand' ?

A. I do not know ; it is very ridiculous to mention here I think. There is a game you play at, you put down a man's name and then a woman's, and where they are, and what they are doing, and then make a long roll of it.

Q. Is it a part of the game to imitate the hand-writing of the man whose name you put down ?

A. No, but it is very likely when you have written a man's name to say, 'it is very like the way in which he writes it himself;' or, when speaking of a woman, 'it is very like the way in which she writes her's,' if they should be friends whom you name.

Q. Is it any part of the skill in that game to write the name as nearly resembling the hand-writing of the person whose name it is as possible ?

A. No, I shou'd think not ; I wrote, without knowing it, something in the office here, that I was told was very like the writing of a person here.

Q. Whose writing did they say it was like ?

A. They said it was like the Speaker's hand.

Q. Is there any other person's hand-writing that you have resembled ?

A. It was accident, I never saw his writing.

Q. Have you never told any body that you could imitate the hand-writing of any one ?

A. No, I do not recollect that I have; there was a story went about that I had forged for two thousand pounds with the Duke of York's signature, " Frederick,"

but I never did, I never signed his name in my life, except when he has been there, and we have been trying, together, how near I could write to him and he to me.

Q. You have tried sometimes to see how near you could write to the Duke of York?

A. Yes, but I never did it but when he was by.

Q. Could you write very near him when you tried?

A. I do not know, he is the best judge of that; I believe if he was asked, he would not say I had ever made use of his name in any writing.

Q. In point of fact, when you did attempt to write like him, did you succeed?—A. I am sure I cannot tell.

Q. You know his hand writing?

A. Yes, he fancied it was a great deal like his, signed Frederick; that was all I ever attempted about it.

Q. Do you know a person of the name of Town?

A. Yes, I do, a velvet painter.

Q. Did he ever instruct you in velvet painting?

A. Yes, he did.

Q. Do not you recollect having told him, that you thought you probably might make considerable proficiency in that art, as you made great proficiency in writing, and copying hand-writings?

A. No, I never told him any such thing; you will recollect he is a Jew: it is ridiculous.

Q. You are quite sure you never said any such thing?

A. No, I should never have said such a thing to such a man.

Q. Did you ever write in his presence?

A. I do not know; he used to be with me a good deal in the morning when I was learning the velvet painting, and it is very probable I might have been writing to many persons when he was there; besides, he was to have got a loan for the Duke of York from Jew King, but his Royal Highness would not have any thing to do with him when he found they were Jews, when Town went to him; but I do not know that it was Jew King at the time; he told me it was a regular gentleman.

Q. Did you ever, in a playing way, attempt to imitate the hand-writing of the Duke of York?

A. I

A. I do not think I did to him.

Q. Not to Mr. Town?—A. No.

Q. Have you to any one else?

A. I do not think I have, but he has seen a great many Ladies, when he has been with me in a morning, and if he listened to any of our conversation, and made remarks upon it three or four years afterwards, I cannot say any thing to such a thing; the only question is, to ascertain whether I ever did make use of the Duke of York's name; if I had I am sure it would have been against me long before this; perhaps he might have stolen something that might have been lying about the house.

Q. That Town might?

A. Yes, he might, very likely.

Q. Some of this writing, perhaps?

A. He might have take papers away perhaps, and thought they might have been the Duke of York's; I believe he had a note of introduction from me to the Duke before he had seen these people about the money.

Q. Did you, in his presence, ever imitate any other person's hand-writing but the Duke's?

A. I do not know that I ever did at all in his presence.

Q. But he may have been in the room when you did this with other Ladies, and have overheard you?

A. Perhaps he might; he has been there three or four hours of a morning.

Q. He may have been in the room when you were with other Ladies, and have overheard the conversation which passed between yourself and your visitors?

A. Perhaps he might; I did not stick to the printing, and perhaps in the morning persons might call upon me.

[The note being again shewn to the Witness.]

Q. Look at the seal of that note; do you know that seal?

A. It is the Duke of York's private seal; I dare say I have many like it at home.

Q. What is the inscription upon it?—A. Never absent.

Q. Is the motto in French or English?—A. In French.

Q. Who is George Farquhar?

A. There

A. There is no such person in existence, I believe; it was one of my brothers;—I lost two in the Navy, and that was one of them.

Q. You do not recollect to have received that letter which you state to be in the hand-writing of the Duke of York?

A. No, but I must have received it because it is addressed to me, and it is his Royal Highness's writing; I do not think he ever wrote to any other person under the name of George Farquhar but me.

Q. Do you recollect having applied at any time to his Royal Highness, to suspend the promotion of Major Tonyn?

A. I do not recollect that I did, it is a long while ago; if it is meant that I wrote that note of his Royal Highness's, I dare say he will not deny it if it is shewn to him; I have seals that will exactly match with it on other letters of his own.

Q. Do you recollect any application to his Royal Highness which could have given rise to an answer similar to that contained in the note which has been read?

A. No, I do not recollect any thing about it.

Q. You do not understand to what the contents of that note allude?

A. No, I do not; for I have quite forgotten it; I think Captain Sandon must have taken it out of the house without my permission.

Q. Did His Royal Highness at any time leave that private seal in your possession?

A. No; he has that and another that he used to use.

Q. You said that you had several impressions of the same seal in your possession; are those impressions unbroken?—*A.* No, certainly not.

Q. Are you positive you have no impression of the Duke's seal unbroken in your possession?

A. I do not know; I should rather think not; I was always inclined to read what he sent to me.

Q. Are you positive that you have not any impression of the Duke's seal unbroken in your possession?

A. Do you mean if I had torn the letter, and not broken the seal?

Q. It

Q. It is not necessary to break the seal to open the letter ?

A. I dare say I have many not broken, that you might very easily distinguish to be the same seal as that.

Q. Did the Duke wear this seal to his watch ?

A. I do not know, I am sure ; I believe not.

Mr. Huskisson. Q. Is the reason you have for guiding your mother's hand when she writes, your mother's hand being so unsteady that she cannot write without somebody guiding her hand ?

A. Yes ; she cannot hold her hand steady at all.

Q. You believe that one of those bills was written by your mother holding the pen, and you guiding her hand ?

A. I guided altogether entirely ; in fact, it is my own writing entirely whenever I make use of her hand.

Q. The whole body of the bill as well as the signature ?

A. Yes ; it is my writing more than my mother's.

Q. She held the pen and you guided her hand ?

A. I do not know whether she held the pen, but I am in the habit of doing these sort of things when I want my mother's name, but I never did any thing without her sanction at all.

Q. That is not the question at all.

A. I do not know what you might insinuate ; the bills have been already before the Court Martial, and I dare say they made as many observations as possible upon them, and if I had been at all alarmed I should not have allowed them to continue so long ; but I believe this has nothing to do with the question before the House.

Q. Do you wish this Committee to understand that you wrote these bills, or your mother ?

A. You may say I wrote them.

Q. And her hand was not guided by you ?

A. If her hand is in mine, and I guide, I write it, and not her.

Q. When you guide your mother's hand your mother has the pen in her hand, has she not ?—A. Yes.

Q. And you only move her hand and guide it ?

A. How do you know but what I move the pen ; if she takes the pen up, I should take it down lower, perhaps.

Q. I do not know it, I wish to know it.

A. Then you shall see us write at any time.

Q. Did

Q. Did you hold the pen or not ?

A. I forget ; there are the bills, and I forget all about them.

Q. Then you holding the pen, you wish the Committee to understand that in so far you wrote both these ?

A. As you please.

[The Chairman directed the Witness to answer the question.]

A. I have answered it ; that is all difference of opinion.

Q. Then you holding the pen, you wish the Committee to understand, that in so far you wrote both these ?

A. I fancy I said I did not write them both.

Q. Did you in point of fact write them both, or only one, and did your mother write the other ?

A. I tell you it is impossible for her to write.

Q. To what do you ascribe the marked difference in the hand-writing of these two bills ?

A. They do not strike me as being very different, but I certainly cannot write so very quick when I am writing with my mother's hands as with my own.

Q. Do you mean to say you do not see any difference in the hand-writing and signature of these two bills ?

A. No, if you were to see the difference in my letters, if you see a dozen of my letters you will see them all different ; you would see a difference in each.

Q. If you guide your mother's hand, that hand being so unsteady, must there not be some unsteadiness in what is written under that guidance ?

A. No, it is entirely my own writing, although I guide her hand.

Q. Then both these bills are entirely your hand-writing ?

A. If you please to understand that, you may ; but I had the use of my mother's hand, and they are my writing then.

Q. You have stated the signature to the bill of the 20th of May, signed " E Farquhar," was your mother's writing under your guidance of her hand, and that that explains the difference in the hand to the signature of the two bills ?

A. I did not say it explained the difference in the writing.

Q. You

Q. You have stated, that the endorsement of the bill which is endorsed was made by your mother, you guiding her hand?—A. Yes.

Q. Look at the bills again.

A. It is no use looking at them, I have looked at them before.

Q. Look at them again; look at the signature of the bill of the 20th of May, and at the signature of the bill of the 15th of July, and at the indorsement of that bill, and endeavour to state, if you can, whether they are all written by the same hand?

A. They are all written by the same hand, because they are written by mine and by my mother's.

Q. Can you give no other explanation of the difference in the appearance in that writing?—A. No, I cannot.

Mr. Beresford. Q. Did Major Tonyn lodge in the hands of a third person five hundred guineas, five hundred pounds of which, after he was Gazetted, went to yourself, and twenty-five pounds to Mr. Donovan?

A. I did not state any such thing, for I did not know what Mr. Donovan had; I only stated what I had myself.

Q. What had you yourself?—A. What I said before.

Q. Was that five hundred pounds?—A. Yes.

Q. Was it not natural for you, as you knew you were to receive five hundred pounds to hurry the Gazetting of Major Tonyn as much as you could?

A. Not if there were any circumstances against it.

Q. Did you not wish that Major Tonyn should be Gazetted, in order that you might get the five hundred pounds?

A. In the end I d.d.

A. If you had written any letters to the Duke of York on the subject, with that wish in your mind, would it not have been a letter to urge the Gazetting of Major Tonyn?

A. I do not recollect writing him any letter, nor do I recollect having any any answer about it in writing.

Q. If you had written to the Duke of York upon the subject, would you not have been more likely to have written to hasten the Gazetting of Major Tonyn than to delay it?—A. I do not know.

[The Witness was directed to withdraw.

The

The CHANCELLOR of the EXCHEQUER said, that the best course would be, in this proceeding, to call Colonel Gordon to speak to this letter ; but he had not procured his attendance on that night, because he had doubted whether the letter could be got at : but at all events these letters must be submitted to a Select Committee, and the business could not then be finished.

The House resumed—the Chairman reported—and the Committee was ordered to proceed in the investigation this day.

The letters were referred to the same Select Committee as the last packet.

Mr. BARHAM moved that the letters should be sealed up for the night.—Ordered.

Mr. Town and Colonel Gordon were ordered to be summoned to attend the Committee.

The CHANCELLOR of the EXCHEQUER said that the effects of the offence of Captain Sandon had been mitigated by the circumstance of the letter having been found, but still, as he had been guilty of gross prevarication, he moved that he be committed to Newgate, and the House would afterwards consider what clemency could be extended to him.

Captain Huxley Sandon was accordingly ordered to be committed to Newgate.

[The Chairman was directed to report to the House the Papers which had been brought from Captain Huxley Sandon's, and to move for a Committee to inspect them ; and to ask leave to sit again.]

[Adjourned at Four o'Clock.

FRIDAY.

FRIDAY, the 17th of FEBRUARY.

Previously to any other business of this Day, Mr. LEACH brought up the report of the Select Committee appointed the preceding night by the Committee of the Whole House, to examine the letters and papers that had been brought from Captain Sandon's lodgings, and to report their opinion thereon. The report stated, that the Committee thought the papers all relevant to the inquiry before the House.

Lord FOLKSTONE having moved "that the order of the day be read for the House to resolve itself into a Committee, to continue the investigation of the conduct of his Royal Highness the Duke of York."

The House resolved itself into a Committee accordingly,

[Mr. WHARTON in the Chair,]

Mr. ADAMS said, that he wished some of the maid servants who attended Mrs. Clarke in Gloucester-place should be summoned to prove whether they saw the list of recommendations of Officers which Mrs. Clarke said she was in the habit of pinning up at the head of her bed, and which the Duke of York used to take down every morning. He thought they should be examined on this point.

Mr. WHITBREAD thought that it would be to no purpose ; as no doubt the maids would say they never saw it in the morning, and Mrs. Clarke would say she never pinned it up till night.

The CHAIRMAN informed to the Committee, that he, in his official capacity, had received a letter from Lieutenant Colonel Tucker on the subject of this inquiry, which he would beg leave to read.

The Letter stated, in substance, that Colonel Tucker and his Brother had obtained their military promotion by the most fair and equitable means, and reprobated every idea of collusion or undue influence in their advancement to their respective rank in the army ; it desired also that this statement might have as much publicity as possible.

Sir A. WELLESLEY rose for the purpose of paying a just tribute to the talents and services of the Officer in question. He had known him particularly well

well in Portugal, and certainly esteemed him a very meritorious Officer. He was the more willing to state this, as he had many communications with the Officer's family; and he believed, that at the time Colonel Tucker was about to be promoted, several applications had been made to him offering advancement, by money-brokers, which that Officer spurned at with becoming contempt. He knew that Colonel Tucker got his promotions properly, and all by brevet rank. (*Hear!*)

LORD TEMPLE was happy to add his mite to the applause of the gallant General as to the brother who had fallen, and he was sure the same justice would be done to the living brother. He would move that the letter should be entered on the Minutes.

LORD FOLKSTONE was inclined perfectly to coincide with the opinions of those who had preceded him as to the merits of the two Officers; he apprehended the name of *Tucker* had been placed in the evidence improperly for that of *Trotter*.

SIR THOMAS TURTON objected to the letter's being entered on the minutes, as it could not possibly be evidence.

THE CHANCELLOR of the EXCHEQUER thought that no objection could be urged except as to the identity of the writing; many letters had been put on the minutes on as slight grounds.

MR. STURGES BOURNE observed that one serious charge (that of Colonel French) was entirely grounded on similar evidence.

LORD TEMPLE considered, that if the writing was first proved, the difficulty would be done away.

[This motion was deferred until some person was found who could prove the writing.]

MR. WARDLE here read a letter which he had received from Miss Taylor relative to her testimony:

“Sir,

" Sir,

" Mrs. Hovenden has chosen to draw some inferences unfavourable to me in her evidence. I have only to say, that she visited me once at Bayswater and once at Dalby Terrace. She has said she would not place her daughter under my care. I do not know whether she would do that or not: but I know she sent her niece, of the age of fourteen years, on a visit to me.

" ANNE TAYLOR "

Mr. WARDLE did not desire this to be placed upon the minutes.

The CHANCELLOR of the EXCHEQUER wished now that some person should be called forward to prove the Duke of York's writing.

Lord FOLKESTONE said, that he heard Mrs. Clarke had various letters now to produce with seals unbroken, similar to that which was appended to the private note of the Duke of York, which was found in the bureau of Captain Sandon.

Mr. YORKE said, the only reason why he had asked about the unbroken seal was, that if the writing had been forged, there would be no difficulty in forging the seal.

The CHANCELLOR of the EXCHEQUER had no objection, if it was thought necessary, to confirm the testimony of Mrs. Clarke.

Mr. W. SMITH wished to know, whether the Honourable Member intended to found any proceeding upon the letter of Miss Taylor; he thought her case was a peculiarly hard one; he did not see why any shadow of disgrace should attach to her (*cries of Hear and Order*). " I should imagine (said Mr. Smith) that when any man rises in this House to advocate the cause of an unprotected female, he should be suffered to proceed."

The CHANCELLOR of the EXCHEQUER thought the Honourable Gentleman was proceeding in a disorderly course. If he thought Miss Taylor had been treated severely, he should have noticed it at the time, and not now, after such an interval: if

this proceeding was allowed, the consequence would be, that those who were accused must defend themselves, and thus the time of the House would be wasted.

Mr. SMITH thought that the time of Miss Taylor's letter being read was the most proper for him to make his remark on the subject, and he only wished to know whether any proceeding was intended to be founded on her letter: however, as the House did not seem inclined to entertain the subject, he was not anxious to press it.

COLONEL GORDON was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. I need not ask you whether you are acquainted with the Duke of York's hand-writing?—A. I certainly am.

Q. Look at that paper [*The short note spoken to by Mrs. Clarke last night*] the outside and the inside [*Colonel Gordon looked at the letter.*]

A. I have formed my opinion upon it.

Q. State to the Committee your opinion.

A. The utmost I can say is, that it bears a very strong resemblance to his Royal Highness's hand-writing, but whether it is or is not I cannot take upon myself to say.

Q. You speak to the inside of the note, when you make that observation?—A. To both inside and outside.

Mr. H. Martin. Q. Have you any reason to doubt that it is the Duke's hand-writing?

A. I do not think that I can, consistently with my own honour, give a stronger opinion than that which I have already given.

Lord Folkstone. Q. Are those letters the hand-writing of the Duke of York [*a letter respecting General Clavering*]; I am of the same opinion with respect to the other.

Q. I observe that you gave your opinion with respect to the first letter, on a comparison with other papers in your possession, and that you did not compare the two last letters that were shewn to you with those other papers; for
what

what reason did you make the comparison in the one case, and not in the other ?

A. The papers with which I compared the first scrap of writing, were letters that I have received from the Duke of York in 1804, 1805, 1806, 1807, and 1808, which convinced me that the Duke of York varies very little in his hand-writing ; I thought it necessary to make a very accurate comparison of the first paper, when so small a scrap of writing was produced to me, and I found that that scrap of writing, as I said before, bore a strong resemblance to the Duke of York's hand-writing, in looking over the two last letters, each of which contained two or three pages of writing, I thought it quite unnecessary to make any such comparison.

Q. Was the opinion which you formed with respect to that writing on that scrap of paper, formed in consequence of your knowledge of the Duke of York's writing, or merely from the comparison which you made ?

A. From both.

Mr. H. Martin. Q. If a letter of the same hand-writing as that which you call the scrap of paper, had been addressed to you, and received by you, should you have hesitated to act upon it ?

A. I observe that scrap of paper had no signature affixed to it, I therefore would not act upon it.

Mr. Creevey. Q. If that scrap of paper had had the Duke of York's signature affixed to it, would you have acted upon it ?

A. If that scrap of paper had had the signature of the Duke of York affixed to it, I would have acted upon it.

Mr. H. Martin. Q. If, in the same hand in which that scrap of paper is written, there had been the signature of Frederick, of the same hand-writing, would you have acted upon it ?

A. Unless I saw the hand-writing in which Frederick was written, I cannot possibly answer that question.

[The Witness was directed to withdraw.]

GENERAL BROWN RIGG was called in, and examined by the Committee, as follows :

The Chancellor of the Exchequer. Q. Look at that paper which

which will be put into your hand [*the short note,*] and say, whether you believe it to be the writing of the Duke of York. Have you formed any opinion of that hand-writing?

A. I think it resembles the Duke of York's hand-writing, but I cannot positively say it is his hand-writing. [*The letter respecting General Clavering being shewn to General Brownrigg*] This is certainly like the Duke of York's hand-writing, that I have now looked at; but I do not think the address is; the address is not like his Royal Highness's writing.

Q. Do you believe it is his hand-writing?

A. It is so like his hand writing, that I should conclude it is; I speak of the letter, dated Sandgate, August 24, 1804. [*The other letter produced by Mrs. Clarke was shewn to General Brownrigg*] This letter is also like the Duke of York's writing.

Q. What is your opinion upon it; do you believe that to be his writing?

A. I do believe it to be his hand writing; it is so like it, that I conclude it to be his writing; and this letter, dated the 4th of August 1805, is not at all like his hand-writing; I should not suppose it is.

Q. Look at the short note; look over leaf, what is your opinion of that; what do you believe respecting that?

A. My opinion is, that it is not so like the Duke of York's hand writing as the others; it does not resemble the Duke of York's hand-writing in the same degree that the others do; there certainly does appear to me a similarity between the Duke's writing and this, yet I cannot speak so positively as to its being his writing as I do to the others; I cannot speak so decidedly.

Q. Is the direction of that note more or less like the Duke of York's hand-writing than the direction of the other notes you speak to?

A. I think it is more like it, I think the address appears to be written in the same hand as the inside; the address is written in a better hand, it is written fairer and more distinctly.

Mr. H. Martin. Q. From your observation of the hand-writing of the short note, do you or do you not believe it to be the hand-writing of his Royal Highness?

A. I

A. I certainly do not believe it to be the hand-writing of the Duke of York, that is to say, I could not swear it was the Duke of York's hand-writing.

Mr. Adams Q. If the Duke of York's signature had been to that note, would you have acted upon it?

A. I really think I should, looking at it cursorily, as I should in reading a short note from the Duke of York, and without having any suspicion that it could not be the Duke of York's hand-writing, I very probably should have acted upon it, if his signature had been to it.

Q. In this case, what gave you any suspicion that that could not be the Duke of York's writing?

A. Because I happened to be in the House of Commons last night, and heard this note made a matter of question in the house; that is my reason.

Mr. Grenfell. Q. Are the Committee to understand, that you do not believe that note to be the hand-writing of the Duke of York?

A. I can only repeat what I have before said in answer to the same question; I think I have already answered that question in my last answer but one.

[The Witness was directed to withdraw.]

Colonel GORDON was again called in, and examined by the Committee, as follows.

Lord Folkstone. Q. Did you ever hear that there was any suspicion raised respecting the small note which was lately put into your hand, whether it was the Duke of York's hand-writing or not, before you were examined at the Bar upon that subject?

A. Certainly I have.

Q. When and where?

A. The best way for me to proceed is to tell the thing exactly as it happened from the beginning to the end. I think last Saturday week about half past ten at night, the Duke of York and Mr. Adam called at my house; I had been extremely fatigued and was going to bed, I was undressed; I went in my undress into the room where were the Duke of York and Mr. Adam; the first word that was said to me was by the Duke of York, and I think the
words

words were these : “ Here is a very extraordinary business ; here is a forgery.” Upon which Mr. Adam related to me, that Captain Sandon and Colonel Hamilton had come to town ; that Colonel Hamilton had called upon him, and told him, that he had seen a note of the Duke of York’s in the possession of Captain Sandon. After some further conversation, more general, upon this point and others connected with it, it was determined that I should desire Colonel Hamilton to call at the Horse-Guards the next day at one o’clock to meet Mr. Adam ; I did do so, and the next day at one o’clock the messenger brought word to me that Colonel Hamilton was waiting in the usual waiting-room ; Mr. Adam went out to him, and that is all that I can speak as to this note, of my own knowledge.

Q. Do you mean to state, that the suspicion which you had heard of, respecting this note, was an expression of the Duke of York respecting a forgery ?—A. Certainly.

Q. How do you know that this is the same note to which the Duke of York alluded ?

A. I really do not know any thing about it, I never heard of any other note.

Q. Have you ever heard of that note from that time to this ?

A. Yes, I have. In continuation of what passed on Sunday, I think, I may state that I went the next day, the Monday or Tuesday, to the Chancellor of the Exchequer, and I had further conversation upon this very note, but I think merely recapitulation of what I have already stated to this Committee.

Q. Have you had any other conversation about this note since that time, with any person ?

A. I have carefully avoided any conversation upon it, but I think the other evening, three or four evenings ago, waiting in the room above stairs with Colonel Hamilton, some conversation, very general, arose upon the subject of this note ; but it was so very general, so very loose, (for, as I have mentioned before, I carefully avoided interfering in it,) that I can only bring to my recollection that some conversation did arise.

Q. Have you had any conversation, whatever, respecting that note, but this which you have mentioned ?

A. E

A. I think I mentioned the subject in strict confidence to General Alexander Hope and also to General Brownrigg, perhaps to Mr. William Harrison, with whom I communicate confidentially; beyond that, I do not think that I have.

Q. What was it that you stated to those Gentlemen?

A. I must have stated to them pretty nearly the very same words that I have stated to this Committee, as nearly as I can recollect, nor more nor less.

Q. Did you see any copy of this note?—A. Yes, I did.

Q. When was that?

A. I think it was the same evening that the Duke of York and Mr. Adam called upon me.

Q. In whose possession was it, Mr. Adam's, or the Duke of York's?

A. I think it was in the possession of Mr. Adam.

Q. Have you had any conversation with the Duke of York upon that subject since that evening?

A. Yes, I have.

Q. When was that?

A. I have had frequent conversations with him upon it.

Q. Detail those conversations as nearly as you can?

A. I think a detail of those conversations would be little more than repetition of the Duke of York's assertion, that he thought the thing was a forgery.

Q. When was the last conversation you had with the Duke of York upon that subject?

A. I will repeat the last conversation, I think, which took place this morning about half past ten o'clock, when I went to the Duke of York at my usual hour of business; the first word the Duke of York said to me this morning was, As you are to be called upon to answer certain questions in the House this night, I will not speak to you one word upon the subject; I said, Sir, I have been told that I am summoned to speak upon the subject of the note, to prove the hand-writing, there therefore can be no difficulty upon the part of Your Royal Highness in making any communication to me that you think fit, as usual. The Duke of York, I think, said, I can only state what I have stated to you before, I have no knowledge of the thing, and I believe it to be a forgery.

Q. Was

Q. Was that likewise the substance of the other frequent conversations you have had with the Duke of York upon this subject?

A. Certainly the substance; and, as nearly as I can recollect, the words.

[The Witness was directed to withdraw.]

Mr. WINDHAM wished to make a single observation on the mode of examination pursued, which if it was carried to any greater length would be attended with very serious consequences. Colonel Gordon was a person in a confidential situation, and it was a delicate point to go too far in desiring him to divulge conversations which had taken place with the Commander in Chief. The House should take care not to push their right of inquiry to such an extent as to make it unsafe for any man to speak to his confidential clerk or servant.

Mr. WHITBREAD defended the right of the Noble Lord to pursue the line of examination he had gone into. The witness was not called by him, but by the Right Honourable Gentleman opposite, and if he was not subject to such interrogatories, he ought not to have been called at all; but he did not think Colonel Gordon was in that sort of confidential situation to preclude this.

Mr. WINDHAM said, in explanation, that he had not put his Noble Friend in a way to stand in need of vindication. He spoke to a general topic, not to what had passed.

The CHANCELLOR of the EXCHEQUER thought the Noble Lord was perfectly in a proper course, and, after an observation from Mr. Yorke—

Mr. ANDREW DICKIE was called in, and examined by the Committee, as follows: //

The Chancellor of the Exchequer. *Q.* You are a Clerk at Messrs. Coutts's.—*A.* I am.

Q. Did

Q. Did you ever see his Royal Highness the Duke of York write?

A. I have seen him sign his name many times, "Frederick."

Q. Did you ever see him write any thing beyond his name?—A. I have seen him frank a letter.

[*The two letters being shewn to the Witness*] Q. Do you think yourself sufficiently acquainted with his Royal Highness's hand, to be able to form any satisfactory opinion upon the letters shewn to you?

A. It bears a similarity; but without the signature being to it, I cannot speak to its being his Royal Highness's hand-writing.

Major General ALEX. HOPE, a Member of the House attending in his place; the short note was shewn to him, and he was examined by the Committee as follows:

The Chancellor of the Exchequer. Q. Have you observed that note?

A. I have; it appears to me like the hand-writing of the Duke of York; but to state whether it really is or is not, is what I cannot undertake to say.

[*The letter dated Sandgate being shewn to General Hope*] A. I apply the same answer to that as to the note, only that I certainly should say that I could speak more positively, I think, to that than to the note; but I must always qualify what I say, that it is a shade of difference only, I could not say positively that it is or is not; but certainly the letter appears to strike my mind more forcibly as the hand-writing of the Duke of York than the note.

[*The other letter being shewn to General Hope.*] I make the same answer as to the second letter.

Mr. Western. Q. Does that shade of difference, which you state, give you a degree of belief that the letters are the hand-writing of the Duke of York, preferably to that of the note, arise from the quantity of writing there is in the letter, or from any difference in the hand-writing of the note and the letter?

A.

A. I think it very possible it may arise from the quantity of the writing, it strikes me, it seems more like the writing of His Royal Highness, I do not feel able, certainly, to state the comparison between the characters of the note and letters; I spoke from a general impression, as it struck my eye.

General BROWNRIGG was again called in, and examined by the Committee, as follows.

Q. If you had not been in the House of Commons last night, should you have had any doubt of that short note being the Duke of York's hand-writing?

A. I certainly should, because I do not think it is very like the Duke's writing.

[The witness was directed to withdraw.]

WILLIAM ADAM, Esquire, attending in his place, a note was shewn to him, and he was examined, as follows:

The Chancellor of the Exchequer. *Q.* What is your opinion of the hand-writing of that note?

A. I think it is like the Duke of York's hand-writing; but I cannot positively say more than that. [*The letters being shewn to Mr. Adam.*] The letter, dated Sandgate, is, in my opinion, in the hand-writing of the Duke of York, I entertain the same opinion with regard to this letter, dated from Weymouth, as with respect to the last.

Q. Do you mean that you speak more positively to the letters than you do to the note?—*A.* I do.

Mr. Western. *Q.* Have you ever been told by the Duke of York, that the note at which you first looked was a forgery?

A. Colonel Gordon, in his testimony upon that subject, has given a very correct description of what I heard the Duke of York say.

Q. Did the Duke of York represent to you that note in the same light in which he represented it to Colonel Gordon, namely, that it was a forgery?

A. When I first made the communication to the Duke of York, on Saturday evening the 4th February, he

he declared without hesitation that he had no recollection whatever of such a note, and that it must be a forgery. When I went with him to Mr. Peirceval's that evening, he made an asseveration precisely to the same effect, and afterwards when I went from Mr. Peirceval's to Colonel Gordon's, he made the asseveration at Colonel Gordon's, which Colonel Gordon has already given in evidence.

Q. Are those the only occasions on which the Duke of York has informed you that that note was a forgery?

A. Of course, I have had repeated conversations with His Royal Highness upon the matter now depending before the House, and in the course of those conversations, without being able to specify the particular time, His Royal Highness has held the same language.

Q. You have stated, that you thought the writing of the note was like the writing of the Duke of York, do you perceive in the formation of the character of that note, any thing unlike the writing of the Duke of York?

A. I cannot say that in the formation of the character, I perceive any thing unlike the writing of the Duke of York, but from the shortness of the note, and from there not being a possibility of correcting judgment with respect to hand-writing, by the general appearance of it, which takes place in a long letter, I am incapable of speaking with the same positiveness with respect to that, as with respect to the letters.

Mr. ANDREW DICKIE was again called in, and examined by the Committee, as follows:

Mr. J. Smith. Q. What situation do you hold in Messrs. Coutts's house?—A. Principal Clerk.

Q. Are you not, or were you not in the habit lately of accepting bills for that house?

A. I have been for a considerable time.

Q. Are you not therefore in the habit of observing, with great attention upon the hand-writing of individuals who are connected with Messrs. Coutts and Company?

No. XXI. V. 2.

Q

A. I am

A. I am in general, but there is a clerk in our house who is more conversant in the signatures of the different customers, who examines the signatures before the bills are brought to me to accept.

Q. Is it not occasionally your business to ascertain the genuineness of hand-writing?—A. No.

A. Have you ever seen any draft filled up as well as signed, by the Commander in Chief?

A. I have seen drafts signed by the Commander in Chief, but as to the filling up, I cannot pretend to say.

[*The note and the letters being shewn to the witness.*]

Q. Do you see any difference in the hand-writing of that note and those two letters, and if you do, what is that difference?

A. There seems a little difference in the note; it strikes me that it is not so like the Duke's, I think, as the others.

Q. Explain in what that difference consists?

A. Being smaller, and not like the others in point of letter-writing.

Q. Mr. W. Smith. Q. Did you put in the words "not so like the Duke's"?

A. What I meant by that is this; two letters were laid before me, and I am asked whether I conceive them to be the Duke's writing or not; I conceive the note not to be so much like.

Lord Henniker. Q. Did you insert the words "not so like the Duke's"?

A. I beg to alter that, not so like as those two letters which were shewn to me, purporting to be the Duke's.

Q. Have you not stated, that you had never seen so much even as a draft filled up by the Duke?

A. To my knowledge, I have seen His Royal Highness's signature, but I never saw His Royal Highness fill up a draft; but I am not the cashier of Messrs. Coutts's house.

Q. Do you conceive yourself competent to say, except in the article of signature, whether the letter is like the Duke's hand-writing or not?

A. I am not sufficiently conversant in His Royal Highness's letter hand-writing.

[The witness was directed to withdraw.

Mr.



Engraved by Hopwood, from a sketch by Rowlandson

Benjamin F. Torne.

Published by J Stratford, 112, Holborn Hill, March 10th. 1809

Mr. NICHOLSON CALVERT put it to the Committee, whether the course of examination that had been pursued was not an unnecessary waste of time. The witness had stated a long time since, that he could only speak as to the signature of His Royal Highness; to examine him, therefore, with respect to that which he could not prove, namely, the Duke's hand-writing, was absolutely to throw away the time of the Committee.

Mr. BENJAMIN TOWN was called in, and examined by the Committee, as follows:

The Chancellor of the Exchequer. Q. Where do you live?—A. In Bond-street.

Q. In what business are you?—A. An artist.

Q. In what line?—A. A velvet painter.

Q. Are you acquainted with Mrs. Clarke?—A. Yes.

Q. Were you acquainted with her when she lived in Gloucester-place?—A. Yes.

Q. Do you ever recollect having heard her say any thing respecting hand-writing?—A. Yes.

Q. Upon what occasion, and what was it that she said?

A. In the course of conversation she observed she could forge the Duke's name, and she had done it, and she shewed it me upon a piece of blank paper, and I could not tell the difference between the Duke's and her own.

Q. What led her to make this observation?

A. That I cannot recollect.

Q. What was your business with her at the time of this conversation?

A. I gave her a lesson that morning in the art of painting.

Q. Have you attended her for any time, to teach her the art of painting?—A. Yes.

Q. Did the observation at all arise out of the painting and the lesson that you were giving?

A. I do not rightly comprehend you.

Q 2

Q. Did

Q. Did the observation she made to you arise out of the subject that was before you, the lesson you were giving?

A. No, there was writing on the table, some papers.

Q. What led her to make that observation?

A. That I cannot recollect.

Q. Was that all that she said?

A. That was all.

Q. Did you ever see her imitating any hand-writing?

A. None but that that I have mentioned before, she shewed me the Duke's writing, which she said it was; I cannot say whether it was or not.

Q. Did she imitate it in your presence?—A. She did.

Q. Had she been drawing at that time?—A. Yes.

Q. Did she say any thing about her proficiency in the art?—A. No.

Q. Do you mean that she only introduced the observation, that she could forge the Duke of York's hand-writing, and immediately imitated it in your presence?

A. She did.

Q. Did you make any observation upon it?—A. Yes.

Q. What observation did you make?

A. That it was a serious matter.

Q. What did she say upon that, or did she say any thing?—A. She laughed.

Q. Did she say any thing?—A. She did not.

Sir. T. Turton. Q. You say Mrs Clarke produced the signature of His Royal Highness the Duke of York; did you ever see any where else the signature of the Duke of York?—A. No.

Q. Was the signature at the bottom of a letter, or was it by itself?

A. That which was shewn for the Duke's was on a square piece of paper, what it was I cannot say that was written.

Q. Did you read any part of that writing?

A. I did not.

Q. Are you sure that the signature which you state to be the signature of the Duke of York, was not written by Mrs. Clarke?

A. It was shewn to me for the Duke's, I cannot say whether she wrote it or not.

Lord

Lord Folkestone. Q. What was the word or words which you believe to be the Duke's signature, which Mrs. Clarke imitated?

A. She observed that the Duke signed his name three ways, Frederick, York, and Albany; and which of the three I cannot positively say, it was one of those three I am certain.

Q. You are not certain whether it was Frederick, whether it was York, or whether it was Albany?

A. I cannot positively say, but it was one of them.

Q. What branch of painting do you profess to teach?

A. Flowers, landscape, figures, and fruit.

Q. In your instructions to your pupils, do you ever teach them to draw letters in any particular way, with flourishes and flowers, or any thing of that kind?

A. Yes, I do.

Q. Should you know the writing, if you were to see it, which resembled that which Mrs. Clarke wrote in imitation of the Duke of York's?

A. No, I should not. The one that she copied from, the one that she shewed me, that she said was the Duke's, I should know, if I was to see it.

Q. Did Mrs. Clarke state that she could imitate the Duke of York's signature only, or his hand-writing in general?

A. She only observed his signature.

Mr. Barham. Q. From the attention to formation of letters in regard to your art, you probably can speak to, what sort of hand it was that was shewn to you as the Duke of York's, was it a small hand, or a large one?

A. It was a small hand.

Q. Was it a flourishing hand, or a plain one?

A. A plain hand.

Q. You mentioned, I think, that Mrs. Clarke told you she could imitate the Duke of York's hand-writing?

A. She did, and she shewed it me on a square piece of paper.

Q. The word was "imitate"—A. No, "forge."

Q. Were you much in the confidence of Mrs. Clarke?

A. No.

Q. You were not at all in the confidence of Mrs.

Clarke when she shewed you how she could forge the Duke's hand?—*A.* No.

The Chancellor of the Exchequer. Q To whom did you first communicate this fact, of having heard *Mis. Clarke* make use of these expressions?

A. Lady Haggerstone.

Q. At what time?—*A.* She was taking a lesson.

Q. How long ago?

A. I look upon it to be about three weeks, or more; I cannot say to the time positively, I look upon it to be three weeks, or rather better.

Q. Had any body applied to you, to ask whether you could give this information, or did you of your own accord, voluntarily mention it first to Lady Haggerstone?

A. It was in the course of conversation, she was observing one thing and the other, and she brought up the Duke's affair, the business concerning the Duke; and I suppose Lady Haggerstone had mentioned it somewhere, and therefore I was called up to give evidence.

Q. Is it the impression upon your mind, that *Mrs. Clarke* had great facility in imitating hand-writing?

A. Yes, the Duke's hand, that that was shewn to me for the Duke's.

Sir T. Turton. Q. You have said, that in your presence, *Mis. Clarke*, upon a piece of paper, copied the signature, as you supposed, of the Duke of York, which was so exactly similar, that you could not tell the difference; do you mean to say, you conceived *Mrs. Clarke* was equal to imitating hand-writings with great ease?

A. She copied that extremely well, as I thought, I never saw her copy any other writing.

Mr. C. Adams. Q. How long is it since you gave any lesson to *Mis. Clarke* the last time?

A. I cannot say without referring to my book.

Q. Did you and she part on good terms?

A. She is in my debt.

Q. Was there ever any quarrel or animosity between you upon any subject?—*A.* None whatever.

Q. Did you never question her about paying your debt?—*A.* Yes.

Q. Had you ever any dispute upon that subject?

A. None whatever.

Q. Has

Q. Was she paid you all that is due to you?—A. No.

Q. Had you any conversation with Mrs. Clarke about a loan of money?—A. Yes.

Q. State the substance of that conversation to the Committee?

A. She said the Duke wished a sum of money; she begged of me to inquire of Mr. Abraham Goldsmid, if he would; he said he was no money-lender.

Q. Did you ever say that a person of the name of Jew King was to lend him money?

A. She requested of me to go to Jew King.

[The witness was directed to withdraw.]

[Lord TEMPLE informed the Committee, that the person who was to prove the hand-writing of Lieut. Col. Tucker, was ready to appear at the Bar, and prove it.]

Mr. JAMES BREWER was called in, and a letter being shewn to the witness, he was examined by the Committee, as follows,

Q. Do you know, that to be the hand-writing of Lieutenant-Colonel John Tucker?—A. It is.

Q. You have seen him write?—A. Very frequently.

[A letter from Colonel Tucker to the Chairman of the Committee was read.]

(Public.)

“Adjutant General’s Office,

“Sir,
“Edinburgh, February 12th, 1809”
“Having perceived, with considerable regret, that the name of
“my lamented brother, who was lately lost in His Majesty’s
“Sloop *Primrose*, has been brought forward by Mrs. Clarke,
“in her examination before the Honourable House of Com-
“mons, I trust you will excuse my addressing you with a
“view to remove any impression from the Public, that either
“he or myself have obtained our promotion, at any time,
“through the means of *undue or improper influence*, for which
“purpose I hope I may be permitted to state facts, without
“incurring the imputation of presumption or vanity. My
“brother’s military career was commenced in 1790 in India,
“where he served during the campaign of Marquis Cornwallis.”

in that country. He subsequently served in Egypt, as Major of Brigade to Lt. General Sir David Baird, through whose friendship and good opinion he obtained the *brevet rank*, which he held in the service. That of *Major* was conferred upon him in consequence of his situation as *Deputy Adjutant General* to the Forces employed under Sir David Baird, at the capture of the Cape of Good Hope; and that of *Lt. Colonel* was obtained for him by the same excellent officer, on their return from the Cape. He had obtained an *effective majority* a few weeks prior to his melancholy and lamented fate, having served as *Asst. Adjt. Genl.* in *Zealand*, and as *Deputy Adjutant General* to the Army under Sir Arthur Wellesley in Portugal.

Of his merits as an officer, many distinguished Members of the Honourable House are able to speak, and, I doubt not, will do justice to his memory and character.

With respect to my own promotion, I can solemnly declare, that I have obtained it *in regular regimental succession, by purchase*, with the exception of my *Ensigncy* and *Lieutenancy*, which were given to me, and the *brevet rank of Lt. Colonel*, which I received, in consequence of having been selected by Sir Samuel Auchmuty, to be the bearer of his dispatches, announcing the reduction of Monte Video, in South America, by assault, on the 3rd of February 1807. I have had the honour of serving, as a volunteer, on several expeditions, and I feel confident, that I have used every endeavour to merit the favours which my gracious sovereign has deigned to confer upon me.

I feel it due to my deceased brother, and to myself, to make this communication to you, being solicitous that my brother officers may not be induced to believe, from the declaration of Mr. Clarke, that any *undue* or *improper* influence has, in the least degree, tended to procure rank to either. And, as my feelings are, naturally, interested on this unpleasant subject, I earnestly request that you will have the goodness to cause this statement to be made *as public as possible*. Trusting to your liberality,

I have the honour to be, Sir,

Your most obedient and humble servant,

JOHN G. P. TUCKER,

Lt. Colonel.

To the Honourable the Chairman
of the Committee, &c. &c. &c."

The CHANCELLOR of the EXCHEQUER said, before the Committee should proceed to the examination of the letters which had been submitted to a Committee last night, to make a statement, which would serve as an answer to a question put on a former

mer night by an Honourable Member of that House. The question referred to the expense which the Duke of York had incurred for the maintenance of the establishment for Mrs. Clarke in Gloucester-place. As far as he was enabled to enquire, no accurate account could be made out of the total amount of that expenditure. There were many items, however, capable of distinct proof, which he had been enabled to collect, the aggregate of which would give the Committee some adequate idea of the actual state of the case. Besides what had been expended for the house and furniture, &c. it had been ascertained, by a reference to His Royal Highness's banker's books, that a sum of 5,570*l* had been paid by drafts for the support of that establishment. He was also authorised to state, that His Royal Highness had at various times given to Mrs. Clarke divers additional sums, which he had at present no means of ascertaining, though of considerable amount. No one payment had been paid in Mrs. Clarke's name during the whole continuance of her living under the protection of His Royal Highness. With regard to the drafts upon the banker, that point might be proved by evidence at the bar, or before a select Committee, if the Committee should be of opinion that it should be gone into. It would appear, from the evidence of the servant who was uniformly employed to take the drafts to the Bank, and who, when he brought back the money to His Royal Highness, uniformly waited till His Royal Highness made it up in packages, or under covers, to be sent by the same servant to Mrs. Clarke's house. With respect to the other sums paid by His Royal Highness on account of that establishment, they could easily be ascertained from the books of the various tradesmen, and other persons who supplied the furniture, jewels, plate, that had already been so often mentioned in that House, and wine,

The

The whole sum paid from Jan. 1804 to June 1806, was 16,761l. If the Committee had a wish to go into the question, he was prepared to bring evidence to the bar to prove the statement. (*A cry of No! No!*) So far he was authorised to state, and he trusted that it would be a satisfactory answer to the question put to him by an Hon. Member on a former night, and remove any unfavourable impression that might have arisen from the supposition that only one thousand pounds a year was allowed, as stated by the witness at the bar, for the support of the establishment in Gloucester-place.

Mr. CRIPPS returned thanks to the Right Hon. Gentleman for the attention which he had paid to the question put by him on a former night. Every Gentleman must be convinced, that whatever might be the result of this investigation, it was desirable to obviate, if possible, at the outset, the effect of the impression, which might be made by an erroneous representation of the state of the case. First impressions were generally strongest, and it was with a view to prevent the effect of an erroneous impression, that he had put the question he did on a former night. The answer of the Right Hon. Gentleman was as specific as it well could be. As he was upon his legs, he should observe, that however this inquiry might terminate, the Duke of York would have one consolation arising on it; because without the opportunity afforded by it, the unparalleled regularity with which the business of the army was conducted at the Horse Guards, as detailed in the evidence of Col. Gordon, would not have been given to the public.

Mr. CREEVEY wished to know whether the sum of five thousand five hundred and seventy pounds was over and above her allowance of one thousand pounds a year, which the Duke of York agreed to pay Mrs. Clarke.

The

The CHANCELLOR of the EXCHEQUER replied; that that sum included all the sums paid by drafts upon His Royal Highness's Banker for Mrs. Clarke's establishment. As to the other sums which had been paid on the same account, as no memorandum respecting them were to be found, they, of course, were not comprehended in the sum stated; but he apprehended that the one thousand pounds a year must be included.

Mr BERESFORD observed, that this was one of the most serious inquiries that had ever been carried on before Parliament, or the public. It was not only the impression it made on that House, but on the City and the country in general, that was to be considered. It was vain for them to shut their eyes to any part of the case, and suppose that thereby they would shut the eyes of the nation. It was competent to any Member of the Committee to state what he heard in every part of the town upon the subject, from persons of strong sense and sound judgment. The impression was——

The CHAIRMAN observed, that he understood the honourable Member to have risen to put a question to the right honourable Gentleman on the floor; otherwise he was out of order.

Mr. BERESFORD said, that he had intended to conclude what he had to say with a question; but as he was not suffered to go on, he should put his question—"Do you know that the Duke of York did pay any and what sum towards keeping the house in Gloucester-place for Mrs. Clarke, in addition to the one thousand pounds per annum?"

The CHANCELLOR of the EXCHEQUER replied, that he knew nothing of the allowance of one thousand a-year, but from the witness at the bar. He never knew any thing of it from His Royal Highness. What he had stated, he had taken from a paper which he had in his hand, and which was an
account

account of drafts paid to Messrs Armer, Lucas, and Co. for the establishment in Gloucester-place, from January 1804, to June 1806.

Lord HENRY PETTY rose to order. He had understood it to be the rule of the Committee, that each witness should answer only to facts within his own knowledge, from which rule the statement of the Right Hon Gentleman was a departure.

The CHANCELLOR of the EXCHEQUER replied, that he had only answered to a question put, and however irregular that question might be, an objection to it would come with propriety from any other quarter.

Mr. WHITBREAD admitted, that the Right Hon. Gentleman was not to blame, but insisted, that it was impossible to place his statement upon the minutes.

Mr. FULLER insisted that the statement must be placed somewhere or other. An Hon. Member had put a question whether no more than 1000l. had been allowed for the establishment in Gloucester-place, leaving it to be inferred, that the rest was to be supplied by sinister means. When the Chancellor of the Exchequer, or any common Member like himself, came forward with a statement to do away such an impression, it ought to be placed upon the minutes.

Mr. CRIPPS declared, that he had been misunderstood by the Hon. Gentleman, as he had put the question in order to obviate any such impression as that alluded to by the Hon. Gentleman.

Mr. BERESFORD stated, that his wish had been when he rose before, to move that the statement of the Chancellor of the Exchequer should be placed on the minutes, as they were the only true representations of their proceedings.

Lord FOLKESTONE rose to ask a question of the Chancellor of the Exchequer, but was called to order by
Mr.

Mr. Secretary CANNING, objected to any examination of his right honourable Friend, because he had not stood forward as a witness, but merely produced a statement in answer to a question which had been put to him.

Lord FOLKSTONE had not meant to examine the right honourable Gentleman, though he saw no reason why he should not, if necessary, be examined as well as any other member of the Committee. The noble Lord then put a question respecting the amount of some drafts, and the times at which they were drawn, to which the Chancellor of the Exchequer replied, in sums of two hundred, and one hundred and fifty pounds each, and between January, 1804, and May, 1806.

Sir G. WARRENDER thought that the course suggested by the right honourable Gentleman, of referring the matter to a select committee, would have been the wisest.

Lord TEMPLE, in this protracted investigation, deprecated any proceeding, such as the appointment of a select committee, which would protract it still more.

The CHANCELLOR of the EXCHEQUER explained.

Mr. FULLER then said, after the statement of the Chancellor of the Exchequer, he would ask of the House and of the public, whether they would wish that more than appears in his statement should be expended upon the baggage who had appeared at the Bar.—(*Laughing, and loud cries of order! order!*) “If I, Sir, had been allowed to proceed as I wished, I should long since have stopped this foolish, this silly inquiry. (*Order! order! order!*) The first six questions that were put to her at the Bar, were enough to shew her shuffling and prevarication. (*Loud cries of order! order! order!*)

The CHANCELLOR of the EXCHEQUER stated, that the five thousand five hundred and seventy

pounds were included in the total sum of sixteen thousand seven hundred and sixty-one pounds.

SIR G. WARRENDER wished to know whether sixteen thousand pounds was the utmost limit of the expence gone to by his Royal Highness on that occasion.

Mr. Secretary CANNING stated, that when his right honourable Friend mentioned that sum, it was only to negative the statement which had been made by the witness*, and which had gone very far abroad, that the Duke did not allow her more than three thousand pounds in three years. The object, however, of the statement was by no means to ascertain what had really been paid, but merely to negative an erroneous statement which had made some impression.

The CHANCELLOR of the EXCHEQUER said, that the only reason why he doubted whether those papers ought to be referred to a Committee was, that it would be very hard to bring the matter to any thing like legal proof. All the proof that there could be of the payment of the five thousand five hundred and seventy pounds could only be, that such sums had been paid by the Duke's Bankers, and that packets had afterwards been sent by the Duke of York to Mrs. Clarke. Whether those packets did or did not contain the sums stated as having been received from the Bankers, could only appear by the asseverations of the Duke of York. As that was not legal proof, he doubted of the propriety of leaving the papers to a Committee.

After some desultory conversation, it was resolved, that the letters taken at Captain Sandon's lodgings should, when proved, be read in evidence.

The CHANCELLOR of the EXCHEQUER observed, that it would be better not to permit the witness †,

* Mrs. Clarke,

† Mrs. Clarke.

who

who was to prove the hand-writing, to read the contents of the letters. It often happened that witnesses chose to read the letters before they would acknowledge their hand-writing, and that, at least, prepared them for the examination which was to follow.

It appeared to be the sense of the Committee that the Chairman should admonish Mrs. Clarke that she was not to read the letters produced to her, but simply to state, upon looking at them, whether or not they were her hand-writing.

Mrs. MARY ANN CLARKE was called in ; and was informed by the CHAIRMAN, that when any letters were put into her hand to ascertain her own hand-writing, she was not to read the contents of those letters.

This is my hand-writing (No. 1.) [*Mrs. Clarke identified other letters, numbered to 41*]

Mrs. Clarke. No. 42 is a piece of the Duke of York's letter which had come from Dover, with his seal upon it, it is directed "George Farquhar," and has the same sort of seal as the note that Captain Sandon had here last night.

[The papers from No. 1 to 42 inclusive, were read]

The next letter, marked 42, was from the Duke of York to Mrs. Clarke, directed to George Farquhar. It was dated from Dover.

Mrs. Clarke observed, that the seal of this letter, as well as the hand-writing, would be found the same as that other letter found in the possession of Captain Sandon.

As the Clerk was proceeding to read it,

Mr. CROKER rose, and said, that it did not appear to the Committee that any more of the letters

had any relevancy to the question at issue. If, however, the honourable Gentleman (Colonel WARDLE) thought otherwise, he might call for the reading of the other letters.

Mr. WARDLE said that he did not think they were relevant, and therefore should not press for their being read.

Captain HUXLEY SANDON was brought to the Bar, and was examined, as follows:

Lord Folkstone. Q State to the Committee from what motive you, when you were the first time examined about the business of Major Tonyn, you did not mention the note which you produced last night?

A. I really am extremely ashamed of myself that I did not, and I hope the honourable House will pardon me.

Q What motive had you for not mentioning that note, when you were first examined at the Bar?

A. I really had no motive.

Q. Were you aware that it was a material circumstance to the point on which you were examined?

A. Certainly it was.

Q. Were you not aware that you were bound to give such information as was within your knowledge respecting that fact?

A. I did not understand that I was obliged to give it; I thought if the question was asked me, I was obliged to answer it.

Q. State the reason why you did not mention it on your first examination?

A. I really do not know how to answer the question.

Q. Why, when you were asked about this note, did you deny knowing what was become of it?

A. At that period the note was mislaid.

Q. Last night did you not know what was become of the note?

A. Not till I went home, it was mislaid.

[The

[The Committee seemed indignant at an answer so contrary to what he gave on the preceding night, and the prisoner was taken from the Bar]

Captain FREEMANTLE thought, that if Captain Sandon was to be examined any further, the Chairman ought to admonish him, that the House could inflict still farther punishment upon him if he continued to prevaricate.

This appeared to be the sense of the Committee, and the witness was again brought to the Bar. The Chairman then addressed him to the following effect :
 “ Captain Sandon, I am instructed to inform you, that already a very heavy punishment has been inflicted on you for gross prevarication in your evidence, and that if you still persevere in gross prevarication, you will find that you have not already experienced the whole of the punishment which the House has it in its power to inflict.”

Captain Huxley Sandon. Mr. Chairman ; I really do not mean to prevaricate, I am very sorry this honourable House has that idea, I will speak every thing I know, it is my wish, I assure you, not to prevaricate ; I will tell every thing I can possibly know.

Mr Whitbread. Q. Do you recollect any conversation which you held with Colonel Hamilton somewhere in London, since your return to London, when you informed Colonel Hamilton that the note was destroyed, wherein you used this expression, “ they have forgot it” or “ forgotten them ”

A. Not upon my recollection, upon my honour, I will certainly say every thing I know, it is my wish and my inclination.

Q. Do you recollect any conversation which you held with Colonel Hamilton somewhere in London, since your return to London, when you informed Colonel Hamilton that the note was destroyed, wherein you used this expression, “ they have forgot it” or “ forgotten them ”

A. No, I never made use of that expression.

Sir G. Warrender. Q. Was it with a view to any emolument or advantage to be derived from the possession of that letter, that you concealed it ?

A. No ; certainly not.

Q. What was the motive which induced you to conceal that letter from the House, till, by the punishment of the House being inflicted upon you, you, by the fear of that punishment, were induced to produce it ?

A. I had no particular motive for keeping back that letter.

Q. Do you then mean to state, that without any direct motive for so doing, you told a deliberate falsehood at the Bar ?

A. I am sorry to say that I did.

Q. Did you or did you not, at the time of your examination here last night, think that that note was of importance ?—A. Certainly I did.

Q. In what way did you think that note of importance ?

A. Because it was the note that I presented to Major Tonyn, which convinced him that it was the interest I had with Mrs. Clarke that got him the majority.

Q. Did you know, of your own knowledge, the hand-writing of that note ?

A. I never saw the hand-writing, to my knowledge, before.

Q. Did Major Tonyn seem to know the hand-writing, or did he make any observation upon the note, and what ?

A. I do not recollect that he did, I shewed him the note, and at that period he said, then the matter might stand over for two or three Gazette days, or a Gazette day or two.

Q. State why it was of importance to you to conceal that letter.

A. I had no particular reason why I concealed it.

Q. Did Colonel Hamilton, when you shewed him that note, tell you it was the hand-writing of his Royal Highness the Duke of York ?—A. No, he did not.

Q. What remark did Colonel Hamilton make upon that note, when you shewed it to him ?

A. Previous to my shewing him the note, I told him
that

that I understood it was his Royal Highness's hand-writing; he asked me what kind of hand it was, whether it was a neat little hand, and whether the large T's were made in a particular way, turning over, and when I shewed him the note, I asked him, Do you think it is his Royal Highness's hand-writing? he made me no answer.

Q. Did you apprehend any danger or inconvenience to yourself, from acknowledging that the note was in your possession?—A. No, I did not.

[The witness was taken from the Bar.]

Mr. W. SMITH then said, he hoped that Captain Sandon would not be brought again to the Bar to give evidence. He had so completely disqualified himself from any sort of credit, that he thought it would be worse than wasting time to ask him any more questions.

The CHANCELLOR of the EXCHEQUER said, he by no means differed with the honourable Gentleman who spoke last, as to the credibility of the witness alluded to, but he could wish that he might be permitted to appear once more at the Bar, as it might be in his power to give some clue, or throw some light on the papers which had been so recently put under the consideration of the House, in consequence of his prevarication, and the measures adopted thereon.

Mr. WARDLE said, he wished to obtain the attention of the House to a few observations he was desirous to offer to their attention. It would easily be recollected with what a pompous display of eloquence the right honourable Gentleman had, on their last meeting, ushered in the statement he had made of a circumstance which he had, till then, purposely kept back, and which he had then thought proper to bring forward in an attack upon him, founded on an accusation of his having been guilty of a suppression of evidence. Many and repeated

peated-had been the attacks which had been made against him from various quarters since the commencement of this inquiry, and he had endeavoured to treat them all with the indifference which he was sensible was due to them. The attack, however, which had been made on him by the right honourable Gentleman in the course of last night's proceeding, was of a more serious nature than any of the rest, and he would own that he really felt it as most harshly and most unjustly imputed to him. He had deemed it his first and paramount duty, in the prosecution of this inquiry, to carry it on in such a manner as was most likely to attain the ends of public justice, which was solely and entirely the object aimed at, and with that view had refrained from attending to the various and violent attacks which had been made, and the broad insinuations thrown out against him. A time, however, would shortly arrive when he should have an opportunity of answering and repelling those attacks, and of shewing that he had been actuated only by what he thought a due discharge of his duty to his country as an independent Member of Parliament. Conscious, as he was, of having fulfilled that duty to the utmost of his power, he should content himself for the present with the observations which he had thus thought it incumbent on him to make upon the subject.

The CHANCELLOR of the EXCHEQUER said, he rose for the purpose of saying a few words, in answer to an address to the Committee from the honourable Gentleman who had just sat down, which to him appeared the most surprising he had ever heard in that House. He appealed to the recollection of the whole Committee, and on his recollection even to the honourable Gentleman himself, if he had not, from the commencement of the present inquiry, endeavoured to carry it on in such a manner

manner as, in his mind, to avoid the possibility of such a charge as the honourable gentleman had so unjustly brought against him. From the particular situation which he held in that House, he might have placed the conduct of this inquiry on other persons than himself; but in justice to the Royal Personage who was the subject of it—the son of the revered Master whom he served—he thought it would be a more direct and a more striking proof of his respect for the good opinion of his Sovereign, and of the Public, as well as of that Royal Personage who now stood accused, to stand forward, and openly and fairly support and defend the innocence of the accused, than to put it into any other hands. In doing this, he had endeavoured to act with every degree of candour and openness; and if he could reasonably flatter himself with any part of his conduct being entitled to the approbation of the Committee, and free from misrepresentation or misunderstanding, it was precisely that which the honourable Gentleman had thought proper to select as the ground of his animadversion. As to the witness and prisoner who had just left the Bar, and had proved himself unworthy of the smallest degree of credit, either from the Committee or any one else, he had never said a syllable which could be construed fairly as tending to support him. He did indeed say there had been a suppression of evidence, but he had not the most distant idea of imputing that to the honourable Gentleman, or to Mrs. Clarke, or to any other than himself. As to any attack which might have been made upon the honourable member in the course of this inquiry, he could only say there had been none from him; and he hoped, therefore, that whatever fault the honourable Gentleman might find with what he termed the pompous manner of his introducing the statement he had made to the House, he would do
him

him the justice to exonerate him from a charge which, as he was perfectly conscious, he had not deserved, he would be sorry should be attributed to him either by the Committee, the honourable Gentleman, or the Public.

Mr. WHITBREAD said he had distinctly understood the right honourable Gentleman in the statement he made last night to say expressly, that he meant not any thing against his honourable Friend, but merely alluded to the witness who was the object of that statement. He could not avoid bestowing on the right honourable Gentleman his warmest praises for the very manly, open and candid manner in which he had conducted himself through the whole of this inquiry. He was certain it must have been observed by the whole Committee, and wanted only the addition of his honourable Friend's testimony, who had unquestionably misconceived him, to make it complete. He hoped, therefore, his honourable Friend would reflect on what had passed, and he was sure he would come to a very different opinion on the subject to what he had so lately expressed.

Lord H. PETTY coincided in opinion with his honourable Friend, who had just sat down, as to the open candid conduct of the Chancellor of the Exchequer throughout the whole of the inquiry, which he thought deserving his warmest approbation, and of which he was sure a misconception only could have drawn to it the animadversion of the honourable Gentleman, who had with equal candor brought forward those charges.

Mr. WARDLE said, he had certainly felt otherwise the moment he delivered his sentiments; but from what had been said by his honourable Friend, and the noble Lord who had just sat down, and since the very handsome explanation which the right honourable Gentleman had done him the honour to
give.

give upon the subject, he was very happy to say, that what had fallen from him so recently on that head was merely the effect of misunderstanding.

[The witness was again brought to the Bar.]

The Chancellor of the Exchequer. Q. Have you any recollection how long it was before the appointment of Major Tonyn appeared in the Gazette, that you shewed the note you received from Mrs. Clarke to Major Tonyn?

A. I think it might be two or three Gazette days; eight or nine or ten days.

Q. Look at that paper (No. 42.)

A. I know this paper.

Q. How came that paper into your possession?

A. It rolled up the note that I had to shew Major Tonyn.

Q. Was it in that state when you received it?

A. Exactly in that state.

Q. Had it no other writing upon it?

A. No, nothing more; it rolled up the note I received from Mrs. Clarke to shew Major Tonyn.

Q. Do you recollect why Mrs. Clarke gave you that bit of paper to roll up the note?

A. No, I cannot recollect why she did it; let me recollect; why, there was some reason why it was given; I cannot positively take upon me to say what the reason was, but there was some reason why the note was rolled up in that piece of paper; there was some reason, which I cannot now really recollect.

Q. Try if you can recollect it.

A. I cannot recollect; but I am perfectly sure there was some reason why she gave me the note rolled up in that bit of paper; I think, if my memory will bring me through, it was when the Duke was reviewing somewhere upon the coast, and it was to prove to Major Tonyn, in some way or other, that that note was written by his Royal Highness.

Q. Do you mean that the Duke was reviewing near

the coast when you shewed this paper to Major Tonyn ?

A. He was on the coast, I understood, at that period she had received this letter, which she produced ; I do not know whether she did not produce the letter, and read part of it to me, and then she tore off a piece, and rolled up the other, and said, This will convince him that this comes from his Royal Highness, who is now upon the coast.

Q. How could that letter, not having upon it the Duke's name, convince any body that another letter that appeared to be in the same hand-writing was the Duke's ?

A. I really do not remember now, but that he was at Dover or in Kent, reviewing, at the period, I perfectly well recollect.

Q. Do you not recollect that the Duke of York's name was upon the frank of the letter at the time it was produced to you ?—*A.* I never saw it.

Q. Was there any thing respecting the seal that was to be observed ?—*A.* Not that I recollect.

Q. Why should you give credit to that cover more than to the note ?

A. It is so long since that I cannot recollect why, but that there was some reason I am certain.

General Loftus. *Q.* Recollect yourself how you came to go to Mrs. Clarke's on that day, whether by accident, intention, or solicitation ?

A. I should think it was from solicitation.

Q. In what room did you see Mrs. Clarke ?

A. I really cannot say, I used to see her in every room ; such as the drawing-room, and the dining-room ; and her little dressing-room.

Q. Will you recollect whether any person was present ?

A. No, I do not recollect that circumstance.

Q. On what business did you go there on that day ?

A. I think it was from her solicitation, that I might go to Major Tonyn, to inform him that she had got this paper, or that I was to take the note and shew it to Major Tonyn—it came from his Royal Highness the Duke of York ; but there are some letters which I gave up to this honourable House, that I think mention something about that very business.

Q. Did

Q. Did you state to Mrs. Clarke, that Major Tonyn wanted his security back again, or his money ?

A. That he wanted back his memorandum

Q. What contrivance was it between Mrs. Clarke and you to keep Major Tonyn from recovering that Memorandum ?

A. I know of no particular contrivance ; she desired I would go to him, and speak about the Majority.

Q. Then the Committee is to understand, that you went there and had a conversation with Mrs. Clarke, how to manage to keep Major Tonyn in temper until this Majority could be had, and that you found there a note, purporting to be a note from the Commander in Chief, ready written and sealed ?

A. I do not exactly recollect that circumstance ; I have related previous to it how I came acquainted with Major Tonyn ; and when I had the honour of being introduced to Major Tonyn, it was on the very demur, when he was tired of the business, and thought the influence I had could not get the matter done, and desired me to get back the security, the consequence was, I informed Mrs. Clarke of the subject.

Q. And she had a note ready ?

A. No, I beg your pardon, not that I recollect, then.

Q. The note was not ready ?—A. Not that I recollect.

Q. Then if the note was not ready, how came you to bring it away with you ?

A. I do not recollect, she told me she had got a note, and shewed me this note, and desired me to take it to Major Tonyn, I of course took it, and told him that was the interest by which we would obtain the Majority, I did not know at that time that it was from the Commander in Chief, Mrs. Clarke gave me the note, and said that he had better wait two or three Gazette days, and in all probability he would be gazetted.

Q. Did you find the note there, and was it sealed or not ?

A. When I first saw the note, it was not sealed, it was broken open, the seal was broken.

Q. Was it re-sealed ?—A. Not in my presence.

Q. Did you deliver it sealed to Captain Tonyn ?

A. No, I took it in my hand, and shewed him the note.

Q Will you undertake to say that there never was a contrivance between yourself and Mrs. Clarke, on any occasion of this kind, to fabricate such a note ?

A. Positively never.

Q. You have stated, that the Commander in Chief was reviewing on the coast when you received that note from Mrs. Clarke ?—A. So I understood from Mrs. Clarke.

Q. How long had his Royal Highness been absent from town at that time ?—A. I really cannot say

Q. Had he been three days absent ?

A. I really do not know.

Q. There are certain pencil marks and other marks of yours upon the papers which were laid upon the table last night, were those marks and dates the dates of the times that you received those papers ?

A. If you will do me the honour of letting me see the papers, I will say for what purpose I put them, to the best of my recollection

[No. 9 was shewn to the Witness.] Q. On that you will find a pencil mark, “17th of August 1804,” state what that pencil mark means ?

A. This of course must be the date of it, here it is upon the post mark.

Q. Was the pencil the date when you received it ?

A. No, it could not be, for here is “August the 17th.”

Q. What is the meaning of this pencil mark ?

A. That must be from something of this sort, for here is 17th of August upon the post mark.

Q. What is the meaning of that pencil mark ?

A. I suppose it must be the date of the letter.

Q. Is not that pencil mark your hand-writing ?

A. I think it is, but the words “Mrs. Clarke” upon it, are not mine.

[No. 12 was shewn to the Witness.] Q. You will observe there is a pencil date upon that letter of the 8th of June 1804; what does pencil date mean, was it the day you received the letter ?

A. No, this must be wrong, because it is June 9th, and here is “June 8th,” and June the 8th does not look like my hand-writing, the word “Majority” is mine.

Q. Has

Q. Has that letter been out of your custody since the time you received it, till last night ?—A. No, certainly not.

Q. Then is it possible any other person than yourself could have put that date to it ?

A. No, I should imagine not ; but still it does not look like my hand-writing.

Q. Do you recollect the purport of the note ?

A. No, I entirely forget what it is.

[The note was read.]

Q. Hearing the purport of this note, state how this note, which mentions “ a stop to the business,” could possibly encourage Major Tonyn in the idea of its going forward ?

A. The note says, does it not, that it is to go on.

Q. On the contrary, it says it stops, “ shall remain as it is” ; how can this note, which speaks of its remaining as it is, encourage this gentleman in the expectation of its going on ?

A. It was then going on, and I should imagine it was meant that it should go on.

Q. If you attend to the purport of the note, you will find that it says it shall stand still, what do you understand by the expression in that note, that it is to remain as it is ?

A. I really do not understand it, I must confess.

[Here there was so general and loud a call of *withdraw ! withdraw !* that no further questions or answers could be heard, and in a few minutes the Messenger was ordered to take the prisoner from the Bar.]

The CHANCELLOR of the EXCHEQUER said, before he moved that the Chairman should report progress, it was necessary to consider when he should ask leave to sit again. He had been in hopes that they would have been able to come to a conclusion in the course of the present sitting ; but such a mass

of fresh evidence had unexpectedly and suddenly come before the Committee, in consequence of searching Captain Huxley Sandon's bureau, in order to find the note supposed to have been destroyed, and reported by the Select Committee to be referable so this inquiry, as would make it impossible to take it into consideration that night, he thought the Committee might meet on Monday, and that in the interim Gentlemen might peruse or take extracts from those letters, and on that day ask leave to sit again, at such time as might then be deemed most proper and convenient.

The CHAIRMAN then left the Chair, the House was resumed, the Chairman reported progress, and it was ordered that the Committee meet again on Monday.

[Captain Huxley Sandon was ordered to be remanded to Newgate.]

The CHANCELLOR of the EXCHEQUER observed, that it would be necessary the letters he had just alluded to should be sealed, and placed in the custody of some proper person or persons. It seemed, however, difficult to fix in whose hands they should be left, so as to give the Members of that House an opportunity of seeing them, and making such extracts they might severally think proper to make.

The SPEAKER intimated that the proper officer to take care of papers was the Clerk of the Journals and Papers, and he should be ordered to permit Members of the House to peruse and make extracts from them, but no one else.

The CHANCELLOR of the EXCHEQUER said, that an observation had been recently made by an Honourable Gentleman, which appeared to him as highly important as any that had been made in the course of this examination, viz. that on a close inspection,

spection, the turn and texture of many of the letters in the note of the Duke of York was different from those of the other letters said to be written by him. He could, therefore, wish that some other persons, such as those of the Bank, or Post Office, who were in daily habits of examining different hand-writing for the purpose of detecting forgeries, might also be permitted to see them, and be called on for their opinions before the Committee; and to obviate any objections; it might be ordered, that no such persons should be permitted to peruse them, but by an order from the Speaker.

MR. C. WYNNE thought it would be better that such inspection should take place at the Bar, and then the Committee might see any impression, which surprise at the difference, if any should be found, might raise on their countenance.

MR. W. SMITH expressed his opinion that the observation alluded to by the Right Honourable Gentleman was highly important, but as it contained a most minute criticism, he thought an examination of the several letters at the bar, would be too brief and sudden for the Gentlemen inspectors to form that decided judgment which was necessary. He should, therefore prefer the proposition of the Right Honourable Gentleman.

LOD FOLKSTONE said, he was sorry this had not been mentioned sooner before the Committee, because he thought the more letters written by the Duke of York, which they had to compare with the note, the better able they would be to form a decided opinion as to the difference. It had been proposed that Mrs. Clarke should produce a bundle of the Duke's letters, which she had in her possession, but that not being agreed to at the time, there would not now be an opportunity of having an inspection of these letters along with the others.

MR. MELLISH said, he had carefully perused the

note and the two letters, and on a comparison, perceived a great difference in the turn and formation of several of the letters, which made him doubt their being of the same hand-writing.

[It was then ordered, that all the papers alluded to should be sealed up in a box, and delivered into the custody of the Clerk.

[That they should remain so sealed up in his custody, but that at particular hours, viz. from eleven to three, they should be shewn to the Members of the House, and to such other persons as should be authorised by an order of the Speaker.

[The Chairman was directed to report Progress, and ask leave to sit again.

Adjourned at Half past Two o'Clock.

MONDAY, the 20th of FEBRUARY,

LORD FOLKSTONE moved, that Mrs. Hovenden, the Cashier of Coutts's Bank, Thomas Nesbitt, and Thomas Batemen, and Lieutenant Colonel Hamilton, be summoned to attend, on that day, the Committee of the whole House, inquiring into the conduct of his Royal Highness the Duke of York — Ordered.

Mr. Dowler, Mrs. Mary Ann Clarke, Captain Huxley Sandon, Thomas Barton, Mrs. Favorey, and Miss Mary Ann Taylor, were also ordered to attend the Committee at the same time.

SIR THOMAS TURTON wished, before the Speaker left the Chair, to put a question to a Right Honourable Gentleman opposite. He understood that that Right Honourable Gentleman had expressed, the other day, a statement of the monies had by Mrs. Clarke, from the Duke of York, for maintaining the expences of Gloucester Place. Now, he wished that that statement should be put in a
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just light. He proposed, therefore, to the Right Honourable Gentleman, whether it would not be proper to call such persons to the bar as could prove the expenditure of Gloucester Place establishment, and the channels through which it was supplied?

The CHANCELLOR of the EXCHEQUER thought that the proper tribunal to ascertain the truth of that statement would be a Select Committee. He was sure the House would be as well satisfied with their determination on the subject as they could be with their own. At the same time he apprehended there would be still some difficulty, as though the tradesmen's accounts were laid before that Committee, it would not go to prove how that money had been obtained; nor, on the other hand, would the account of how it was obtained prove to the Committee how it had been applied after it was obtained. When he had made to the Committee, on a former night, the statement he did, there was such a variety of opinion as to the propriety of referring it to a Select Committee, that he did not press it further. He had, however, no objection whatever now to the appointing that select Committee.

SIR THOMAS TURTON recollected that there was some trifling confusion prevailed after the Right Honourable Gentleman had made his statement; owing to the circumstance, that he had not heard any proposition for a Select Committee, but he feared that a Select Committee would not answer.

The CHANCELLOR of the EXCHEQUER saw no ground for apprehending that the House would not be completely satisfied with the Report of a Committee of that nature.

SIR THOMAS TURTON replied, "that the House might, but he feared it would not be as satisfactory to the public."

Mr. ABERCROMBIE begged that indulgence from the Committee which it had in similar circumstances

stances conferred upon others; it was to correct an error in the testimony of one of the witnesses at the desire of that witness. It appeared upon the minutes that Mr. Greenwood had stated Mr. Elderton to be an improper person for promotion; now upon further search it appeared, that Mr. Greenwood himself had recommended Mr. Elderton, and on that recommendation he had been promoted.

Mr. WHITBREAD, though he had no doubt of the accuracy of the statement made by his Honourable Friend, or of the error on the part of Mr. Greenwood being merely unintentional, still he did not see how the minutes could be altered by any other way than the evidence of Mr. Greenwood.

The SPEAKER was of the same opinion, and suggested that Mr. Greenwood should attend hereafter to correct that evidence.

Mr. ABERCROMBIE said, that, having made the statement, he was satisfied

Mr. C. ADAMS, after doing justice to the candour which had marked throughout the present inquiry, the conduct of the Right Honourable Gentleman, wished to know if among the many conferences he had with his Royal Highness, if at any one of them he had learned through what channel he had been made acquainted with the intended suppression of the short note?

The CHANCELLOR of the EXCHEQUER said, that all he had to tell he had then communicated; he had then said, that Colonel Hamilton had first informed him upon the subject.

The House then went into the Committee.

[Mr. WHARTON in the Chair]

The CHAIRMAN informed the Committee, that he had received a letter from General Clavering, stating a seeming inconsistency in his evidence, and expressing a wish that he might again be called before

fore the Committee in order that he might explain it. [*A cry of read! read!*]

Lord TEMPLE moved, that the Letter mentioned by the Chairman to have been received by him from General Clavering, be read.

The CHANCELLOR of the EXCHEQUER observed, that if General Clavering wished to correct any thing which appeared to be inconsistent or contradictory in his evidence, let him be summoned, or let him attend if he was there; but he saw no reason why his letter should be read.

Lord TEMPLE answered, that as he understood General Clavering was then attending, he would, with the leave of the House, withdraw his motion.

Mr. JOHNSON was then called in as a witness.

Mr. WHITBREAD rose, and the witness was desired to withdraw. He said that he apprehended the Committee had already examined several persons who were deemed the most competent to know the Duke of York's hand-writing. It would appear from what he had been given to understand, that this Gentleman, who was then produced as a witness from the Post Office, knew nothing of the writing of his Royal Highness; and it appeared to him somewhat extraordinary that the Committee should now resort to an evidence not nearly so strong as that of those witnesses who had already been examined. Such a rule as that which the Committee was now about to pursue had once obtained, he believed, in Courts of Justice, in cases of capital offences, but it had for some time been discontinued. If that were really the case, he begged the House to consider seriously what must be the effect of calling this witness before they agreed to admit him to the Bar; for however inclined they might be, to give every indulgence in their power to the Royal Personage who was accused, yet they should well weigh in their minds whether any other person would, if
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standing before them on the same or similar charges, be allowed an equal degree of favour. In his opinion, they had given latitude to Colonel Gordon, in permitting him to take a paper from his pocket, and compare it with the note which he was called upon to say, whether it was, in his opinion, the Duke of York's hand-writing; yet almost immediately afterwards forty letters were shewn to Mrs. Clarke, and she was told that she must not read any one or any part of any one of them; but must, from merely viewing the signature, say positively whether they were her's or not. It would seem rather hard she should not have been allowed to see whether any alterations or interpolations had been made in any of them, but from solely the name at the bottom, should be obliged to allow they were her's. He knew very well the Committee had decided by their proceedings that they were not to be confined within the strict rules respecting evidence, by which the Courts of Law regulated themselves—but having made this allowance to Colonel Gordon, he must leave it for the consideration of the Committee, whether having already committed improprieties, would justify them in adding to those improprieties, by allowing a witness to be examined, who could only speak upon the writing of a person he had never seen write; a practice certainly not allowed in the courts below. Under these circumstances, if a vote should take place on the subject, he should give his against the witness being admitted.

The CHANCELLOR of the EXCHEQUER considered that this objection of the Honourable Gentleman ought to have been made when the subject was first introduced to the notice of the Committee; for when it had been decided that such evidence should be resorted to, it seemed rather hard that any opposition should now be made to it. He supposed, however, that the Honourable Gentleman had left
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the House the other night before the subject was mentioned in the Committee. In the course of the last night's discussion on this inquiry, an Honourable Member under the gallery had observed, that he had carefully compared the note with the two letters which had been actually proved to be the Duke of York's hand-writing, and had discovered that the letters in the note appeared to him, from their formation, to be more like an imitation of letters than a regular hand-writing. On this it was thought necessary that the information should be attended to, and followed up as accurately as possible ; and as it would be altogether out of the power of all the Members of that House to examine the papers so minutely as to form a decision on the point, it was thought most advisable to apply to four or five persons of the Post-office and the Bank, who were in the use and habit of investigating such points in cases of life and death. If these letters and note were only to be submitted to a Jury of twelve men, they might all of them examine each of the letters so minutely, as to decide the point by themselves ; but in so great a number as the Members of that House, such an examination would be absolutely impossible. A similar proceeding had been allowed in a trial at bar by four Judges, sitting in solemn decision in the Court of King's Bench ; but in one case, that decision had been denied to be law by one Judge at *Nisi Prius*. The present measure as he observed before, had been adopted the other night ; and though it might not fall in with the observations of the Honourable Gentleman on the subject, it was somewhat hard the witness should now be objected to, after it had previously been agreed upon that he should be examined, and he had been sent for accordingly.

Respecting too the observation of the Honourable Gentleman, that it seemed as if the Committee
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were inclined to give indulgence on one side and not on the other, " he thought it was by no means the case. In one instance a person was called to examine a hand-writing that was not his own, and in the other, a writing which was her own. If there had been any irregularity, it was in having admitted Colonel Gordon's evidence, but none in Mrs. Clarke's ; for if any thing should arise in the course of the letters produced to the injury of Mrs. Clarke's evidence, she would be allowed to have an examination of such parts, and if any alterations and interpolations had been made, she would be able to detect and point them out. From the mode adopted by the Speaker, he was equally ignorant of the evidence this witness would give as the Honourable Gentleman was, or any other person whatever, but he thought as he had been called upon by the Committee to make the examination, and had done so, he ought to be permitted to give his evidence on the subject, be it whatever it might.

Mr. WHITBREAD " saw no difference between a Jury and the Members of that House, as he thought no Member would give his judgment without having examined the papers carefully with his own eyes, and after he had so done, he believed there was not a Member who would not give his opinion in preference to his own eye-sight, before that of this witness, or any other who formed his judgment from the same basis."

Lord FOLKSTONE had come prepared to make the same objection, in which he had been anticipated by the Honourable Gentleman below him ; and he must observe generally as to this kind of evidence, that whenever it had been resorted to, it was always in the case of its being the best evidence that could be obtained on the subject. Mrs. Clarke had given a direct testimony, and if Gentlemen would seriously and carefully attend to the whole of her evidence,
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it would appear to be as correct, fair, and honourable testimony as could be given. Four Gentlemen of honour had been examined on the point in question, who all agreed that it was so like the Duke of York's hand-writing, that they beleived it to be his. (*A cry of No ! No !*)

“ With respect to the doctrine of being allowed to prove any thing by a comparison of hands, the last case which had been determined on the subject was at Maidstone. It was that of Jackson v. Cator, for a libel ; and Mr. Garrow, for the Plaintiff, called evidence such as this to prove that the libel was written in a feigned or supposititious hand, and that there was a similarity between this feigned hand and that of the Defendant Cator. The Noble Lord then read an extract from the speech of Lord Ellenborough, who was then Attorney General, and Counsel for the Defendant, by which it appeared, that he said he was not desiring the Court not to go the length of Judges in the worst of times, but only the Judges who were then administering the laws of the land. He referred to the case of Revet and Braham, which had been quoted by the Right Honourable Gentleman opposite, being the trial at Bar he had mentioned, and shewed that that case had afterwards been reversed by Lord Kenyon. The witness was asked whether he could say the libel was like the hand-writing of Cator, but Lord Kenyon would not allow him to answer the question, because, he said, that comparison of hands was no evidence. And in a similar case, which came to be heard before Mr. Justice Yates, that most upright and learned Judge held expressly the same doctrine, and said he did not know any case where comparison of hands could be admitted. In an indictment for forgery, a person who had seen the party write, might be admitted to prove it, but not by a comparison on a similarity of hands. There was also submitted by

Lord Ellenborough to the Court the case of the seven Bishops, in which Chief Justice Jeffreys and another Judge were willing to receive such evidence, and Mr. Justice Powell and another were against it, which shewed that the Lawyers even of that day never thought it right to prove forgery by a comparison of hands. Mr. Baron Hotham's decision in the case Jackson and Cator, and in which he rejected the doctrine laid down in *Revet and Braham*, was an authority which compelled him to acquiesce entirely in the opinion of that Learned Judge. The Solicitor for the Plaintiffs, in the case of Jackson and Cator, was prepared to take down a host of Inspectors from the Post Office, to prove the libel was in a feigned hand. The defendant was prepared with another host of Inspectors from the Bank, who would have proved the direct contrary. This statement had been made to him by the Defendant's Solicitor, who was a gentleman of great honour and credit in his profession, and showed how very great the difference of opinions was, with regard to the comparison of hands. He would therefore entreat the Committee to weigh well the matter, before they allowed such evidence to be called to the bar."

Mr. BERSEFORD said a few words, in favour of the witness being called.

Mr. W. SMITH was of opinion, that a Parliamentary Commission, which had power to examine on oath, might have been preferable in many respects to the present mode of enquiry, but it had also occurred to him that an investigation into the conduct of the Duke of York ought in such a case as this to be conducted in the same manner as that of any other subject—for, if not, it would clearly follow that none of the Royal Family ought to hold any public situation. He thought the House of Commons should have the power of examining on oath as well as the House of Lord. Such a privilege seemed to have

have crept in there because the House often sat in a judicial capacity—but when the House of Commons exercised a judicial function he saw no reason why they should not have a similar privilege, and he hoped to see the day when the distinction in this instance would be done away. The object was to get at the truth, and in order to assist the House in coming to a right conclusion these witnesses were called, and, after all, the whole would be matter of opinion, for, when all these witnesses had been examined, they must at last compare probabilities, and judge for themselves. There was a great confusion in the general argument on this subject. The House was not bound by the strict rules of Courts of Justice in this more than in other cases. Even when a person was asked whether he had seen another write, he spoke to his belief, not from the circumstance of having seen him write, but because from having seen he was more accurately acquainted with the writing.—He admitted that this was a very uncertain mode of procedure, and as a proof of that, he mentioned a circumstance which had lately occurred. An Honourable Member having been shewn two letters said, that he thought the one to be the hand-writing of Sir H. Mann, and was rather of opinion, that the other was not. He on looking at both these letters would, from a comparison of the hands, have had no difficulty in declaring, according to his belief, that the second letter was Sir H. Mann's, as well as the first; and that the only difference arose from his having a bad pen in the one case, and a good one in the other. he highly commended the caution with which the Gentlemen spoke, who had been before called to give their opinion as to this note. This caution was highly honourable to themselves, when they had only two short lines to decide upon, and gave great weight to their evidence. As to the person from the Post Office, he saw no reason why

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he should not be called, because the House was not strictly bound by the rules of Courts of Justice, but as to the evidence which he might give *valeat quantum*, it might enable the House to judge a little better on the subject, and it was to be observed, that there was a difference between this case and that of a forgery, where one was tried for his life. With respect to the comparison of letters by Colonel Gordon, he did not see why he should not be allowed to assist his own judgment in this way. Whatever irregularity there might be in point of form there was none in substance. He agreed that when Mrs. Clarke was asked to prove her own hand-writing, it was improper to forbid her to read them; for though a person on a general view of a letter might admit the whole to be his, yet it was possible on a more attentive perusal to discover things which it was impossible he could have written; and he might also perceive additions and interpolations which might be extremely material. He recollected a case where a person, on the first view of a letter, immediately admitted it to be his, but on a more close inspection found that a large portion of it had not been written by him. He did not see upon the reason of the thing why the witness should not be examined.

Mr. BATHURST agreed with the last speaker, that there was no serious objection to the evidence now offered. He, however, denied the propriety of allowing witnesses in every case to look over the whole of their letters which they were called upon to prove. In Courts of Justice it was often necessary, for the purposes of justice, to conceal the bodies of letters from the witnesses, and only shew the signatures. This was the common practice; but at the same time, there were undoubtedly exceptions to the rule, where it might be material to shew the whole letter, in order to detect interpolations, and for other purposes.

purposes. In the course of several years a variation might certainly take place in the hand-writing of any person, and this was the reason why Colonel Gordon had looked at the Duke of York's letters written in different years, that he might be enabled to refresh his memory and speak more accurately. Nothing he thought could be more proper than this, and he was of opinion, that the House had acted perfectly right, both in the case of Colonel Gordon and of Mrs. Clarke. With respect to the particular question at present under consideration, the House had already gone beyond the strict rules of Courts of Justice. He expressed his surprize at the remark of the Noble Lord, concerning the evidence of Mrs. Clarke and the other witnesses on the subject of the note in question. As to Mrs. Clarke's credibility he would at present give no opinion, but the note was so far from being absolutely proved to be the hand-writing of the Duke of York, that the legal question, "Do you believe that to be the Duke of York's hand-writing," was put only to one of the witnesses*, and he said "that if he were obliged to give an opinion, he would rather say that it was not the Duke of York's hand-writing." There was then a doubt on the subject, and the matter might be said to hang in *equilibrio*. In this situation, why should the House refuse to take what further assistance might be offered? It had been said that all this was a matter of conjecture: but surely the House would not refuse whatever information might assist them in conjecturing rightly? The question to which the witnesses were to speak, was not, whether these "were or were not the letters of the Duke of York," but they were called upon to say, as men of skill, in comparison of hands, "whether two or three papers were all written by the same person." The case was different from such

as had been stated by the Noble Lord *. The House acted as Jurors and at the same time in the capacity of Judges, and therefore, no doubt, would exercise a sound discretion on all the evidence produced.

Mr. BRAND wished to explain the grounds on which he would give his vote in case the question came to a decision. After the general evidence which had been admitted already in the course of this investigation, he was astonished to hear the present evidence objected to, and he was more astonished to hear that objection come from his honourable and Noble Friends, who, when he before had recommended some strictness, had argued so strongly in favour of generality in the evidence, and this too, when the utmost that appeared from the cases cited was, that the point was problematical in Courts of Law. (*Hear ! hear !*) He thought the evidence ought to be admitted.

Sir S. ROMILLY declared, the question appeared to him to be of such high importance that he thought the Committee should not determine on it before they were in possession of more information. The object was very different from that of Courts of Justice, and therefore the House could not be bound by similar ties. The Right Honourable Gentleman opposite, had not stated the matter fairly, when he merely talked of a decision at Bar, and one at *Nisi Prius*. The fact was, that in the case of Revett and Braham, which was a trial at Bar, the decision was so contrary to the established principles of law, and gave so universal and so great an alarm to the whole Bar, that on the subsequent occasion in the case at *Nisi Prius*, Mr Baron Hotham, who was well known to be a judge very diffident of his own opinion, took on himself to reverse the law held in the other case, of the trial at Bar; and it was very

* Lord Eldon.

evident,

evident, and perfectly well known, that he, a single judge, sitting at *Nisi Prius*, never would have undertaken to overturn that decision of the Court, had he not been well aware that it had been highly and loudly condemned by the universal opinion of the whole Bar. There was no question of law so nice, as that of saying "whether any certain piece of writing is that of any one particular person or not;" the property, the liberties, and the lives, of all the subjects of this realm, were deeply interested in it; and it ought never to be forgotten in that House, in particular, that Algernon Sydney lost his life by admitting a comparison of hand-writing, and as Lord Ellenborough had so lately argued the case most seriously, the House ought well to consider whether this was really law or not. He should be sorry to take up the time of the Committee, by going deeply into the reason of this case, but he had really heard nothing to convince him in what had been advanced that night on the subject. If the House were to judge by what had fallen from the Honourable Gentleman below him *, a comparison of hands was unquestionably better than seeing a person write, that argument, it seemed to him, went too far, for it proved "the comparison to be the best," which was a doctrine long since exploded. The Right Honourable Gentleman on the floor † had said that the House had examined four Gentlemen, but had not put the proper questions to them. Then why not put these questions to them? They were still to be called before the House, and it was much better to put these questions to them in such a manner as the Right Honourable Gentleman should point out as a proper one, than to admit evidence so very alarming as this appeared to him to be. He begged the Committee to recollect that

* Mr W. Smith.

† Mr Bathurst.

the evidence to be produced was to decide the point by a comparison of hands, that this was deemed contrary to the established law of the land; “and is it, said he, the evidence of those persons which shall be allowed to determine this positively to be the hand-writing of the Duke of York?” He thought it ought not, and should therefore object to the witness being called to the bar.

Mr. BRESFORD said a few words explanatory of what he had previously mentioned.

The ATTORNEY GENERAL said his Right Honourable and Learned Friend who had just sat down, could not more highly respect the judicial opinion of Lord Ellenborough than he himself did, but when he considered that in the case alluded to, he went to Maidstone as Counsel for the Defendant, all the law he had then held on the subject was merely that of an advocate, doing the most he could for the cause of his client, but was by no means to be considered in the light of a judicial opinion. He could not allow the reason given by his Right Honourable and Learned Friend for Baron Hotham’s overruling the decision of the Court, because it was the universal opinion of the Bar that that decision was contrary to law. In the case of Revett and Braham, the point was, whether the hand-writing was feigned or real; and this was to be determined by persons from public offices, who acted as inspectors. In the trial before Baron Hotham, the inspectors from the Post Office were asked whether the hand-writing of the Defendant Cator was a feigned hand: so far it agreed with the case of Revett and Braham; but it went further, and having proved the opinion that the hand-writing was feigned, they proceeded to ask whether it had been feigned by the person who wrote the libel, and this was to be done by shewing the Defendant’s writing, and then comparing it with the libel; this was refused; but so

far as whether the hand was a feigned hand, Baron Hotham, in the case of Jackson and Cator, supported the doctrine in Revett and Braham. The question, however, then was, whether, as the Committee has hitherto proceeded, these witnesses should be allowed to be called, and whether the Committee should receive any further assistance towards proving the hand-writing. The Committee had already exceeded the strict rules of legal justice, and were then only asked to admit the evidence of persons who have been accustomed to examine, and to say whether certain hand-writing, submitted to their inspection, be feigned or real, and whether they will not be better able to judge, from persons of such experience, than by their own only; on that ground, he should apprehend the Committee would come to a decision.

The question was then put, and the witness was allowed to be called in without a division.

THOMAS METCALFE, M. D. was called in, and examined by the Committee, as follows :

Chairman. Q. You are a Physician ?—*A* I am.

Q. Are you Mrs. Clarke's medical attendant ?—*A* I am.

Q. Have you seen Mrs. Clarke in the course of this day ?

A. Yes.

Q. Is her state of health such as to prevent her attending to give evidence to day ?—*A* I think totally so.

Q. Can you form any opinion when Mrs. Clarke's health will permit her to attend ?

A I should think in the course of two days

[The Witness was directed to withdraw.

[It having been moved and seconded, that the evidence to the hand-writing about to be produced, be not received; upon which, the question was put, and passed in the negative, without a division.]

Mr.

Mr. SAMUEL JOHNSON was called in, and examined by the Committee, as follows :

The Chancellor of the Exchequer. Q. What are you ?

A. Inspector of Franks at the General Post Office.

Q. How long have you been in that situation ?

A. I have been in the Office about thirteen years, or rather more ; in that situation about six years ; I think it was in 1802 I was appointed to the Franks.

Q. In that situation, is it your particular duty to look at hand-writing, and observe its different variation ?

A. It is our duty to perceive that no franks pass either from the House of Peers or the House of Commons, but franks by the Peers or the Members themselves.

Q. In the course of that duty, it is necessary for you to be very particular in your examination of hand-writing ?

A. As much so as our time will permit.

[*The two letters and the note being shewn to the Witness.*]

Q. You have seen these papers before, in the room of the House of Commons.—A. I have

Q. The paper to which particularly I wish to direct your attention, is the small paper ; in your opinion, is that smaller paper the same hand-writing as the larger papers ?

A. It resembles it so nearly, that I should think it was.

Q. In point of fact have you occasionally, from inspection only, detected false or feigned signatures ?—A. Yes.

[*The Witness was directed to withdraw.*]

Mr. ROBERT SEARLES was called in, and examined by the Committee, as follows :

The Chancellor of the Exchequer. Q. What are you.

A. A Deputy Inspector of Franks.

Q. How long have you been in that situation ?

A. About eighteen months.

[*The two letters and the note were shewn to the Witness.*]

Q. You have seen these papers before ?—A. I have.

Q. Look at them, and tell me whether you think they are all the same hand-writing ?—A. I think they are.

[*The Witness was directed to withdraw.*]

Mr.

Mr. THOMAS NESBITT was called in, and examined by the Committee, as follows:

Mr. Beresford. Q. What is your employment?

A. I am in the service of the Bank.

Q. In what department of the Bank are you?

A. Principal of the Letter of Attorney Office.

Q. In that Office are you in the habit of examining hand-writings, that are suspected to be forgeries?

A. Yes, constantly so.

Q. How long have you been in that employment?

A. Between thirty and forty years, in the daily habit.

Q. Are you in the habit of examining writings that you so suspect, by comparing them with other writings, acknowledged to be the hand of the same party?

A. Certainly.

Q. In making such comparison, what is your usual habit of doing it?

A. A signature to a letter of attorney for sale is left at the Bank for me to examine, and if to any other letter of attorney the proprietor has put his name, or has accepted the stock, this letter of attorney in question would be examined by those signatures.

Q. In so doing, are you in the habit of observing the turn of the different hands in writing the names, to see whether the party writing turned his hand the same way?

A. Certainly.

[*The two letters and the note were shown to the Witness.*]

Q. Have you seen these papers before?—A. I have.

Q. By a close inspection of the hand-writing of the letters, do you perceive any difference in the turns of any one compared with the others?

[*The Witness was directed to withdraw.*]

Mr. BATHURST rose to order—he thought the proper course of examination was, that which had been pursued by the Chancellor of the Exchequer.

The CHANCELLOR of the EXCHEQUER did not understand the objection of his Honourable Friend on the opposite side. His Honourable Friend be-
hind

lied him having formed his own judgment by an attention to the formation of the letters, wished to direct the attention of the witness to the particular circumstances which had weighed with himself before he asked him the general question. This he thought perfectly proper—and as his Honourable Friend had been in a situation where he himself had been in the habit of comparing hands, he had given up the examination of this witness to him.

Mr. BATHURST contended that the examination ought to be confined to the general question; as to a trifling difference in a word or a letter, the hand-writing of each of the Members of the House might so far vary at different times. But the point was “whether on a view of the whole the witness was of opinion that the writings were the same.” The question he thought the more improper as the Honourable Gentleman had founded it on personal opinion.

Mr. ELLIOT had an objection to state different from that of his Honourable Friend, who had just sat down. He thought it of great importance that the House and the Committee should be consistent. A witness had been before rejected because he could speak only from signatures, and this witness stood in the same situation.

The CHANCELLOR of the EXCHEQUER, remarked that the witnesses now called were not called with a view to prove the hand-writing of the Duke of York, but to say whether two papers shewn them were in the same hand-writing. The question, he contended, was in substance unobjectionable; for it was proper and important to direct the attention of the witness to the materials upon which he was to judge; and this he supposed was the object of his Honourable Friend.

* Mr BERESFORD

Mr.

Mr. ELLISON considering, that the House had decided that these witnesses should be called, he had nothing to say on that point; but he was very anxious that it should not go forth to the public that there was any thing like an attempt to lead the witness. The object was to get at the truth; and the question had a manifest tendency to lead the evidence. This therefore would not serve the cause of truth; and on that account his sentiment was strong against it.

Mr. BERESFORD stated, that having been himself in the habit of examining hand-writings with a view to detect forgeries, he had looked at the note and the other letters, and had made observations which appeared to several Gentlemen to whom he mentioned them to have weight. He had refrained from asking any questions of the two first witnesses, as he might from the circumstance have a prejudice in his mind that might lead him to ask an improper question. But the Gentlemen around him seemed to think there was no impropriety in his asking questions, and pointing out the particulars to which he wished the witness to attend before the general answer was given. He should be sorry to press any question which might be thought improper, and if there was any objection to his last question, he would abandon it.

Mr. WILBERFORCE thought the question very improper in the peculiar circumstances under which these witnesses came before the Committee. They had already examined the papers, and of course had attended to the necessary particulars, and it was quite needless now to lead their attention to them. They ought first to be asked, "whether they believed the hand-writing to be the same," and if they answered in the affirmative, they might then with perfect propriety be asked "why they thought

so." But upon the principle of the last question, a witness might be asked five hundred preliminary questions, so as to fritter away his opinion before he gave it. The same course ought to be followed with respect to this witness, that had been adopted with respect to the two former, otherwise it might be imagined that the Gentleman who examined the witnesses, resorted to this circuitous method from the dread of an opinion contrary to their wishes.

Mr. BERESFORD moved that the question be expunged, which was accordingly done.

[The witness was again called in.]

Q. State whether you think these several papers were all written by the same person, looking both at the directions and the inside of the letters?

A. I have looked very attentively at the note particularly, and compared it with these two letters, and after a great deal of attention and care in looking at almost every letter in the note, I am of opinion that it was not written by the same hand.

Q. On what circumstances in that note do you ground your opinion?

A. Because I perceive a neatness through almost every letter of the note, which is not, I think, to be found in the letters; and the whole of the writing in the note appears to me to be of a smaller character than the letters in general are; I think I perceive a stiffness in several of the letters in the note, which I do not perceive in the two letters dated Sandgate and Weymouth.

Q. Have you any further observation to make?

A. I will just add, that in the two letters dated Sandgate and Weymouth, there appears to me to be a general freedom I do not perceive in the note.

Lord Folkstone. Q. You state, that you perceive in the formation of the letters of the note a neatness of character which you do not perceive in the letters; do you not conceive

ceive that difference may arise from the difference of the pens and ink used in the writing?

A. That circumstance has not escaped my mind, but after looking at that also, I am still of opinion that it was not the same writing.

Q. You stated, that you are principal Inspector of the Letter of Attorney Office; in examining letters of attorney in that office, is it not your principal business to look at the signature?—A. It is.

Q. Is that your only business?

A. No, surely not; that is the principal business.

Q. What other part of the hand-writing are you accustomed to examine, besides the signature?

A. It is necessary for me to read over the whole of the letter of attorney, to see that it is correct in all its parts, and when so done, to compare the signature with any former signature, and if it agrees, of course it is admitted; if it does not agree, we have other modes of proof, such as looking at other signatures, comparing the hand-writing of the witnesses, and still other proofs.

Q. Is it expected that the hand-writing in the body of the letter of attorney should be written by the person who signs his name at the bottom?

A. The letters of attorney are almost universally filled up by the Clerks in the Office over which I preside; the body of the letter of attorney is uniformly filled up by them.

Q. Then is not the comparison of writings to which alone your attention is directed, altogether a comparison of signatures?—A. It is.

Q. Have you, in looking over the note, observed that there are no dots to the i's in that note?—

A. I have not.

Mr. C. Adams. Q. Have you observed whether there are any dots to the i's in the two letters?

A. I think I have observed dots in some parts of the letters?

Q. Look over the letters again, with a view to that circumstance?

The Witness looked over the letters]—A. I do not observe several, but I do find, in the first letter I have looked into,

into, one ; that is the letter dated from Weymouth.

Q. Have you observed but one i, in these two letters, with the dot over it ?

A. I have not observed more.

Q. Having adverted to that circumstance, do you remain of the same opinion with regard to the hand-writing ?

A. I do not think that should change my opinion, because I think that the ensemble of the note appears to me altogether a different kind of hand.

Q. You have stated to the Committee, that you looked over these letters and the note with great attention ; how did it happen that so remarkable a circumstance as that escaped your attention ?

A. I do not at all wonder that such a circumstance as that should escape my attention, it is the first time I have ever been called upon in this House, however, and surrounded as I was by Gentlemen on every side at the time I was examining into the letters, as far as my time and attention would allow, I do not wonder that that circumstance escaped my attention.

Q. How long a time were these letters under your inspection in the Committee-room above stairs ?

A. I think about an hour ; but in the course of that time, I had a great variety of letters to look over, of Mrs. Clarke's and other persons, which I was directed to look at, and which I did look at, and observed the characters with some attention.

Hon. Mr. Yorke. *Q.* If a person wanted to forge the writing of another who put dots to his i's, would the forger not do it also ?

[The Witness was directed to withdraw.]

Mr. W. SMITH objected to this question, as it could at best be nothing more than a matter of inference.

Mr. YORKE said, it was not a question of inference, but of experience.

Sir THOMAS TURTON thought if that was the intention, the best way of putting the question would

would be, 'Did he ever remember such a circumstance ?

Mr. SHARPE said any answer the witness gave could be of no consequence, as he had confessed he had not attended to the circumstance.

[The Witness was again called in.]

Hon. Mr. Yorke. Q. Do you remember an instance of a person endeavouring to forge or imitate the hand-writing of another who did not put dots to the i's, who in that forged or imitated paper was accustomed to put dots ?

A. I do not exactly recollect any circumstance about dots of i's, but I have refused signatures, and perhaps daily do that, which turn out to be forgeries, though generally innocent ones, but not actually the signature of the parties that should be there.

Q. Does the circumstance of there being no dots to the i's in the note before you, make any difference in your opinion ?

A. It certainly was a circumstance that I did not advert to, and therefore, as far as that goes, I certainly think it is of weight, but not sufficient to alter my opinion.

Mr. Thompson. Q. In the course of examining the signature of powers of attorney, have you not observed that the signature of the same person varies considerably in a short period of time ?

A. I certainly have, and that may arise from a variety of circumstances, such as ill health ; a signature made before or after dinner has frequently been very materially different, and indeed a variety of other circumstances would alter the signature materially.

Q. Have you not admitted the validity of signatures of the same person, so varying as you have stated, in a greater degree than the variation between the writing in the note and the two letters ?

A. I have no doubt but I have, but it will arise from this circumstance, probably, that where the signature of the constituent differs materially we have then the signature

ture of two witnesses to look at, and if the signature of either of those witnesses should be well known to me to be in all probability a true signature, I mean a signature that passes before me very frequently, that would operate in my mind to admit the power of attorney, though there might be some considerable variation between the constituent's signature in the one instance and in the other.

Q. Have you not admitted the validity of the hand-writing of those varying signatures, where the witnesses have been totally different persons, and totally unknown to you?

A. I think I have not, because that is my particular business to attend to, not to admit any thing that is not in itself exactly what it ought to be, without such proof before me as should enable me to admit it.

Q. What proportion of the signatures of the witnesses to the powers of attorney, in the country, are you acquainted with?

A. I cannot say the proportion of hand-writings of witnesses that I am acquainted with, but certainly a great number, and you will allow that, when I tell you that every day I admit from forty to fifty, sixty, and a hundred; hardly any day is less than forty, and very often a hundred.

Q. You must know that powers of attorney, executed by the same person in the country, are attested by very different witnesses?

A. Certainly.

Q. Do you not depend upon the signature of the person who executes the power of attorney, much more than upon any name of any witness to the execution of that power of attorney?

A. I certainly do, that is the first object.

Q. Do you not principally depend upon the signature of the person who executes the power of attorney, notwithstanding the variations in the hand-writing of that person?

A. I certainly do.

Q. And

Q. And you have admitted the validity of those signatures, with greater variations than you find between the note and the two letters?

A. I certainly have, but collateral evidence has come in to satisfy me of the validity of the signatures?

Sir J. Hall. Q. Do you consider the note as having been written in imitation of the hand-writing of the letters?

A. That was my opinion at the time I was examining them.

Q. Is it in the usual and common habit of yourself to be called upon for your opinion, and to give an opinion upon the similarity of hand-writing, where there are no signatures of names whatever?

A. It has very seldom happened of late years, formerly it was more frequent, because of late years I have understood that such kind of evidence has not been admitted in the courts of law.

Hon. Mr. Lyttleton. Q. Having stated that you have been chiefly conversant with the examination of signatures, do you judge of them by comparison with other signatures of the same person, or a general comparison of the hand-writing of the person supposed to sign?

A. I judge of them by a comparison with other signatures of the same person?

Q. Have you ever seen papers in which the signature and the other writing in those papers, purported to be, and to your knowledge were, written by the same person?

A. I have.

Q. Have you in those cases observed that the signatures are in many cases different from the general writing?

A. I certainly have, and I must acknowledge that signatures in general are much easier to judge of than common lines of writing, because signatures have always appeared to me a set kind of hand, which a man takes up, and in general does not part with.

Mr. Martin. Q. Previously to your examination of the two letters and the note, had it been intimated to you by any person, and by whom, that there was reason to doubt of the authenticity of the note?

A. I think I should answer to that, that I read the newspaper every evening, and therefore I have read all that concerns

concerns this business every evening as constantly as it has passed.

Q. Is the committee to understand that the first doubt you entertained, was by what was suggested from reading the newspapers?

A. I certainly came with no prejudice in my mind, but I came determined to form my mind from what I should see in the note and in the letters.

Q. Is the committee to understand that the first doubt you entertained was by what was suggested from reading the newspapers?

A. I think I said that I came here with no prejudice, but to form my mind from what I should find in reading over the note and the letters.

Q. Is the committee to understand that the first doubt you entertained was by what was suggested from reading the newspapers?

A. I conceive that I might reason upon the subject, but certainly I came here with no prejudice whatever.

Q. Is the committee to understand that the first doubt you entertained was by what was suggested from reading the newspapers?

A. I certainly did reason upon the subject in my own mind, but I came here with no prejudice whatever.

Q. Have you carefully examined both the letters, and do you find in any parts of either of those letters any difference in the hand-writing, are both those letters exactly in the same character and style of hand-writing?

A. I did not perceive any particular difference in the mode of writing in those two letters, but that they were all written with the same kind of freedom, except where the ink appeared to fail, and that will constantly be the case under such a circumstance.

Q. Is or is not the difference in the note and the letters greater than that which you have frequently observed between acknowledged pieces of hand-writing of the same person.

A. The difference between the note and the letter appears to me to arise, taking it altogether, from the neatness and the stiffness of writing which I do not observe in the two letters; as to there being a greater difference between the note and the letters, and any two signatures which I have admitted,

admitted, I really cannot tell how to answer that, the differences in signatures are so very frequent and so various, that I cannot well explain myself upon that subject.

Mr. Whitbread. Q You have said you have only been able to judge of the authenticity of one signature, by comparing it with another, how are you then a better judge than any clerk in any counting-house in London?

[The Witness ordered to withdraw.

Mr. DENT said it was impossible for the witness to answer that question.

Mr. WHITBREAD defended the question, he said if the witness had only to be asked whether Frederick was like Frederick, then the witness might be competent to pass an opinion, but when he confessed he could only judge of the authenticity of one signature by comparing it with another, then he thought the question a just and proper one.

Mr. CANNING considered it unfair, because the witness did not come to the Bar voluntarily to be examined, presuming on his own superior competency, but he came on a summons to give the best opinion he could form.

Mr. WHITBREAD could not agree in any such opinion. When the witness was summoned he was set up as a judge, and of course should be able to prove the competency, which he, if not openly, at least tacitly assumed.

Mr. B. BATHURST suggested the following form for the question, in which Mr. Whitbread acquiesced.

Mr. B. Bathurst. Q. From your habits of business at the Bank, have you more frequent opportunities of comparing the general hand-writings of parties, than persons engaged in any mercantile or other counting-house in the City of London?

A. I am persuaded not, and I have thought myself frequently incompetent to such kind of examinations, because
cause

cause my constant practice has been with respect to signatures only.

Q. You having stated that you had been occupied one hour in examining all the papers, inclusive of Mrs. Clarke's letters, what time did you devote to the examination of the three letters now in question?

A. I think it is probable that I might have been from half an hour to three quarters on the one, and the rest of the time on the various letters of Mrs. Clarke, and so on.

Q. Might not the short note and the two letters have been the hand-writing of the same person, supposing the short note written in the morning, and the two letters after dinner, or vice versa?

A. I think that might possibly have been the case, but then that written in the afternoon would have been much worse than that written in the morning.

Q. If two powers of attorney had been presented to you for your examination, one in the hand of the letter which was acknowledged to be the hand writing of the party who presented it, and the other in the hand writing of the short note, with your observation would you officially have refused the acceptance of that latter power of attorney?

A. If there had been no other circumstances as collateral evidence in favour of it, I certainly should have demurred to the signature.

Q. Have you not said, that writings differing as much as these, have ultimately turned out to be genuine?

A. If I have not, I am persuaded they have done so.

[The Witness was directed to withdraw.]

Mr. THOMAS BATEMAN, was called in, and
Examined by the Committee, as follows.

Attorney General. Q. In what business are you?

A. In the service of the Bank of England.

Q. In what department?

A. My employment is the examining powers of attorney

try

ney in the first place, as to the accuracy of them, and then examining their signatures.

Q. [*The two letters and the note were shewn to the Witness.*] Have you examined those two letters and that note, for the purpose of discovering whether they are written by the same person or not.—*A.* I have.

Q. How long have you been employed in the department, in which you now are?

A. Nearly twenty years.

Q. You are still in that situation.—*A.* I am.

Q. You state that you have examined these two letters, and that note, for the purpose of discovering whether they are written by the same person?—*A.* I have.

Q. Look at them now, and tell me whether they were in your judgment written by the same person?

A. I think there is a very correspondent similarity.

Mr. Lockhart. Q. In your judgment is the note written by the same person as these letters were written by?

A. I can only say that there is a very marked similarity.

Q. Upon examining these letters and the note, have you any reason to think they were not written by the same person?

A. I have not any reason to think they were not, I have no reason at all upon that subject.

Q. Upon examining those letters and the note, have you any reason to think they were not written by the same person?

A. After what I have said, I think I cannot answer that question but in the way I have answered it.

Q. If two powers of attorney came before you, signed one in the character of the note, and the other in the character of the letters, would you have passed them both as written by the same person?

A. I think I should

[The witness was directed to withdraw.

Mr. THOMAS BLISS, was called in, and
and *Examined by the Committee* as follows:

Attorney-General. Q. What is your employment?

A. One of the Investigators of the Bank of England.

Q. What

Q. What is your business in that department?

A. To examine and inspect into forged notes.

Q. How long have you been in that situation?

A. About fifteen years.

Q. Is it your business to discover whether the signatures to those notes are or are not genuine?—A. It is.

Q. Do you examine any thing but the signatures to those notes?

A. The whole of the notes; every writing on the note, it leads to many other things, the paper, the writing, the engraving, and the whole of the notes.

Q. Do you examine any writing upon the notes, except the signature?—A. Yes, very frequently.

Q. What part of those bills which you examine is written, except the signature?

A. The date and number.

Q. Do you examine Bank Post Bills as well as Bank-Notes?—A. No.

Q. Then there is nothing of writing upon those bills you examine, but the dates, the numbers, and the signatures—

A. Nothing else, except it might be writing by the public, at times, upon the notes.

[*The two letters and the note were shewn to the Witness.*]

Q. Have you examined the two letters and the note now put into your hand, for the purpose of discovering whether they are written by the same person or not?

A. I have.

Q. According to the best judgment you can form, are they or are they not written by the same person?

A. I should suppose they were.

Mr. J. Smith. Have you any doubt upon that subject at all?

A. From letters that I saw afterwards, I have some doubt, but if I had not seen any other letters, from the appearance of those I should have had no doubt.

Mr. Bathurst. Q. What letters did you see afterwards?

A. I saw different letters on the table where I examined these, that I was desired to look at from I believe No. 31 to 40 or 41.

Q. Is the Committee to understand, that from the observation you have made upon the letters and the note
you

you have just seen, you have no doubt but they were written by the same person?

A. I did not say I had no doubt I said I thought they were.

Q. Have you or have you not any doubt upon that subject, alluding to the three letters you have just seen?

A. From the letters that I saw since, many of them seeming to differ, I have some doubt of it.

Q. Have you or have you not any doubt upon that subject, alluding to the three letters you have just seen?

A. From the examination of the three letters, which I looked at as carefully as possible, I thought they were all of one hand-writing.

Q. Whose letters do you imagine those were that you saw besides?

A. There were papers numbered as far as 40 upon the table; I went in at a late hour, only one being allowed to go in at a time, I looked only at ten, from 30 to 40 or 41, and I understood from those letters they were written by Mrs. Clarke.

Q. Explain how the comparison of Mrs. Clarke's letters induced you to doubt about the similarity of the three others?

A. After I had been desired to look at two letters, and the other to compare the hand-writing, I was desired to look at the other letters, and compare them with the first two letters also.

Q. How did that comparison alter the opinion you had before formed?

A. Because though they were written by one person, yet they differed in the writing, there were some very plain to read, and some more difficult to read, some written rather larger, and some rather smaller.

Q. I understand you to have stated that the two letters and the note appeared to you at first to be of the same writing?—*A.* I did say so.

Q. Therefore, though these were written at different times, there appeared no great difference in the writing?

A. There did not.

Q. How was that opinion altered by finding that another person did at different times write different hands?

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A. From

A. From the difference of that hand-writing; some of them I compared, in some measure, bore a semblance to the first two letters, if I had seen no others than the first two, and the note produced to me, I should have been clearly of opinion, without any doubt, that they had been the same person's writing; but I explain now, from the ultimate judgment of what I looked at, which impressed upon me this, that the letters that I saw, though they were one person's writing, the writing differed materially, some very small, and some larger, and from the very free easy running-hand, some seem so exactly alike, and some different, that it would be doubtful to judge of that person's writing at all times, whether it was her writing or not.

Q. Is it from those letters differing amongst themselves, or from some of them agreeing with the two letters now shewn to you, that your doubt arises?

A. It is from some of those letters being differently written of themselves, and some of them having a small semblance of the other writing.

Q. Did those letters most resemble the two letters or the note.

A. One or two of the letters resembled the two letters and the note.

Q. Is it from that resemblance that you doubt now that the two letters and the note were of the same hand-writing?

A. The difference amongst themselves would be the only reason that would create any doubt in my mind.

Q. You have said, that some of those letters were in a large and some in a small hand, and yet you suppose them to be the writing of the same person?

A. I understood that they were the writing, and thought that they were the writing of the same person.

Q. Is not the note in a smaller hand than the letters?

A. I think as near as possible the major part of it is the same size as the letters.

Attorney General. Did you perceive any similarity between the hand-writing of any of the letters last shewn you, from 30 to 40, and the note?

A. There were one or two of the letters that I thought bore a semblance of the two letters and the note.

Q. Is



Engraved by Hopwood, from a sketch by Rowlandson.

General Chavering.

Published by J. Stratford, 112, Holborn Hill, April 8th 1809.

Q. Is that the circumstance which led you to doubt at last whether the two letters and the note were written by the same person?—*A.* It certainly was.

[The witness was directed to withdraw.]

A short conversation then took place, between Sir M. W. RIDLEY, Mr. BERSFORD, Mr. W. WYNNE, and another member, after which General Clavering was called in, and examined on the motion of Sir M. W. RIDLEY.

Brigadier-General CLAVERING having sent a letter to the Chairman, requesting that he might be called to explain his Evidence, he was called in, and *Examined by The Committee*, as follows:

Q. What part of the evidence, which you gave on a former night, do you wish now to explain?

A. There is a part of the evidence that I gave on a former night, that I wish to explain. But I request permission, before I explain it, to state why I requested to come forward this evening; it was intimated to me yesterday, by a friend of mine, and other members of the committee, that an idea had gone forth, that part of the evidence I gave on a former evening was not correct; I certainly started at the idea, having been thoroughly satisfied in my own mind, that it was my intention to state every thing to the very best of my knowledge. Yesterday, however, I referred to the Minutes, which before I had not seen, and it did certainly appear to me, that the answers I had given to the questions, were not perfectly such as I would have given, had I clearly comprehended those questions; and, however extraordinary this may appear to the committee, I pledge my sacred honor and word, the mistake was perfectly involuntary on my part, and it was my entire intention, as well as my wish, to give every information in my power, and I should feel myself particularly honoured and flattered by as many questions as the committee shall think it proper to put to me on this occasion. With the permission of the committee I will now refer to the questions put to me on the former occasion. In page 153, the question was;—

Had you any communication whatever on the subject of Army Promotions with Mrs. Clarke?" My reply was, "I never proposed any conversation of that kind, nor do I recollect any ever having existed, except at the period I before alluded to, when she requested I would recommend to the consideration of the Duke of York, Lieutenant Sumner of the 20th regiment." It is perfectly clear now to me, that by the addition of the word 'whatever' after 'communication,' an epistolary correspondence was intended, but I certainly understood it to be a personal communication or conversation, for, in the two preceding questions, the idea of conversation, and conversation only had been included, and in the following question likewise, it appears also evident to me, that that was in the idea of the Honorable Member who proposed it, that he meant conversation, for the question is, "Had you any incidental conversation with Mrs. Clarke upon that subject?" And my reply was, "A period of so many years, having elapsed since that time, it is impossible to speak positively and accurately to a question so close as that, but to the best of my belief, I do think I had." The next question, and the reply which I wish to advert to, is this:—"Do you, of your own knowledge, know that Mrs. Clarke used her influence in favour of any person whatever in the Army with the Commander Chief?" My reply was, "I do not." I certainly did misunderstand that question altogether, and that I did misunderstand it, I have the most positive proof for stating to the Committee: one of the first conversations I had, after withdrawing from this bar, was with a noble relative of mine, a Peer of the Upper House, in which I stated (and he has authorized me to say, if it is necessary, he will confirm the same) that my surprise was, that a question had been put to me, which I conceived concerned others, and that my regret was, that the question had not been put which did immediately concern myself, for if it had, I should have given that reply, which, in my own mind conveyed a thorough conviction, that Mrs. Clarke never possessed that influence over the mind of his Royal Highness which it is supposed that she possessed. I have nothing further to add upon that immediate head.

The

[The five letters delivered in by Mrs. Clarke on the 13th instant, were shewn to General Clavering.]

General Clavering.—They are my hand-writing.

Mr. Word. On the former examination, you were asked whether you had ever known of any person, who had asked Mrs. Clarke to use her influence with the Commander in Chief: to which you answered positively, that you had not. When you were asked whether you knew of any transaction of that nature, you say you understood that any transaction in which you might have been engaged was excluded in the intention of the person asking that question?

A. I certainly did, both to that question and to the following one, for I conceived that my answer to the third question from the bottom, was an answer which applied equally to the two last.

Mr. Whitbread. *Q.* Did you or did you not ever, in writing or otherwise, ask Mrs. Clarke to use her influence on your behalf with the Commander in Chief?—*A.* I did.

Hon. Mr. Yorke. *Q.* Had it any effect?

A. I believe not.

Q. Did you obtain what you asked for?

A. I made two applications; I did not obtain the first, and I believe, that what was granted me in the second, was not through her influence.

Q. Was it granted to you?

A. Will you permit me to answer that question not immediately directly; it was granted, but it must equally have been granted, and it could not have been denied me, if such application had not been made.

Q. Why then did you apply through Mrs. Clarke?

A. Were I permitted to state the circumstances, I believe I should be better understood than by any other answer. In the year 1803, I was placed upon the staff, as an inspecting Field Officer, as Colonel. In the year 1804, the Government thought proper to raise all the officers of the rank of Colonel to that of Brigadier-General, I received a notification from the War-Office, that I was appointed a Brigadier-General, and about a fortnight afterwards, I received a second notification, to say, that my appointment was not to be that of Brigadier-General, but Brigadier-Colonel. The circumstance appeared to me so extraor-

dinary, that I wrote upon that occasion to Mrs. Clarke, to know if she could discover why the alteration was made from Brigadier-General, to Brigadier-Colonel; she replied to me, that upon inquiry it was found to be a mistake, and that all the Brigadier-Generals, who had been previously appointed and afterwards removed, were to be restored to their first appointments of Brigadier-Generals; and the reason was evident, it was supposed that the Militia and the Volunteers might possibly be assembled to act together; by the Militia act, no Colonel in the Army can command a Colonel of Militia, consequently, our appointment to the situation of Brigadier-Colonels would not have had the effect it was intended to have had; therefore, we were again appointed to our original situation, that of Brigadier-Generals.

Q. How came you to apply for an interpretation of any mistake, or any extraordinary circumstance, to Mrs. Clarke, and not to the office of the Commander in Chief?

A. Because, according to the custom of all offices, the persons holding the ostensible situations could not have given me the information that I desired, or rather, they would have been reprehensible, if they had given it me, for in all probability, though they might have been acquainted with the reasons, they would not have been justified in declaring them.

Q. What secret source of information, which it would have been reprehensible for the ostensible officers in the Office of the Commander in Chief to have given, did you suppose Mrs. Clarke to have?

A. I certainly did suppose that Mrs. Clarke was informed of what was passing in the War-Office; I mean generally in the Office of the Commander in Chief, and therefore I had reason to suppose that she would give me every information that was in her power.

Q. What was the reason?

A. Because on any former occasion, as far as I can at present recollect, she had been always extremely communicative.

Q. From whom did you know or suppose that she had derived that communication which she was so communicative of to you?

A. Certainly

A. Certainly from his Royal Highness the Commander in Chief.

Q. How do you reconcile the answer you have last given to the answer you before gave; you supposed Mrs. Clarke to have no influence with the Commander in Chief?

A. The reply that I before gave, went to Mrs. Clarke's influence over his Royal Highness in the distribution of military promotion.

Q. Of the two applications which you state yourself to have made through Mrs. Clarke, which was the one that was successful, whether by her influence or otherwise?

A. If I recollect rightly, I had before the honour of stating, that the rank of Brigadier-General was restored to me, which I could not have been denied; it was granted to all the Colonels of the regular service of the year 1802, in which brevet I was, with others both above and below me, and consequently it could not have been denied me, without a marked stigma.

Q. Which of the two applications, which you have stated yourself to have made through Mrs. Clarke, was successful, the first or the second, whether through her means or any other?

A. I certainly have to apologize to the committee, if I have not made myself understood.

Q. What were the two things which you applied for?

A. The first circumstance upon which I wrote to her was, or rather a letter was written, which I was accessory to, it is immaterial, whether I wrote it or not, was relative to the raising a regiment. I was given to understand that she had very great influence in military promotions, and I conceived, therefore, it would be a fair speculation to try whether that influence did exist or not; a letter was accordingly written to her, stating, that in case she obtained me permission to raise a regiment, she should receive 1000*l*. She wrote me, in reply, that his Royal Highness would not hear of it, or scouted the idea, or words to that effect; and consequently from that answer, it was my decided opinion that she did not possess an influence over his Royal Highness in the distribution of military promotion.

Q. Did you in point of fact obtain leave to raise that regiment;—*A.* I did not.

Q. Did

Q. Did you make a second application, and what was that application for?

A. The other application, if it may be so termed, was not for any promotion, but to know the reason why, after having been appointed a Brigadier-General, I was reduced to the situation of Brigadier-Colonel.

Q. Have you ever made any other application to Mrs. Clarke for information, for promotion, for exchange, or for any other thing?

A. I cannot bring to my recollection that I ever have made any other application to her upon any one of those subjects mentioned, but if any of the Honourable Gentlemen here can give me the smallest clue to guide my recollection, I shall be extremely happy to give every information in my power.

Q. Being convinced in the first instance by the Duke of York's having, as Mrs. Clarke informed you, scouted the idea of your being permitted to raise a regiment, for which you had made an offer of one thousand pounds, and having from thence inferred that she had no influence, how came you to make any second application to her?

A. If I am correct, I before stated that I was satisfied, from His Royal Highness's answer to her, if such was his answer, that she did not possess any influence over him in the point of military promotion; that His Royal Highness might have permitted her to talk upon military subjects, but that as to military promotions she had no influence.

Q. Do you know that at the time you made application through Mrs. Clarke for leave to raise a regiment, any officer received that permission which was refused to you?

A. If my memory serves me right, there were three or four young regiments raised at that time in Ireland, but not in this country.

Q. Were they raised upon the same term with regard to the payment of money, as the tender made by you for raising your men?

A. They were not; my proposal was, as far as I can recollect, for I had forgotten that till I saw it in the evidence, my proposal was to raise them from the Militia; the regiments in Ireland were raised with a bounty.

Q. From whom did you receive the information first, that

that Mrs. Clarke had influence with the Commander in Chief relative to military promotions, which induced you to have the first letter written, or to connive at the writing of the first letter to Mrs. Clarke, in order to obtain that influence in your favour?

A. My information upon that head was merely report, but the letter alluded to was suggested to me.

Q. Had you ever any other than a written communication with Mrs. Clarke upon the subject of your own promotion?

A. To the best of my opinion, I had not; the reason why I think so is, that at that time I was stationed at a distance from London.

Q. Is the Committee to understand you to have said, that if you had applied to the War-office for information, after its having been notified that you were a Brigadier-General, and your being put back to the rank which you call Brigadier-Colonel, you would not have obtained that information?

A. I do not think that I should; nor should I have made the application, conceiving that such application would have been improper.

Q. Why then do you suppose you could obtain information respecting military arrangements from Mrs. Clarke, which you could not obtain from the War-office?

A. Because I see a considerable degree of distinction between making application for information to a Lady of the description that she then was, and making it to those official persons who would not have been justified in giving me the information that I desired.

Q. What reason had you for thinking that Mrs. Clarke had information of what was passing at the War-office; which information would have been refused to military officers regularly applying?

A. Because I was of opinion that by her influence over the Commander in Chief, which she described herself to me to possess, she could obtain any information of that description.

Q. How is the Committee to reconcile that declaration with that which you have made, that you did not then believe

lieve her to have any influence over the Commander in Chief?

A. If I am correct, I before said, that the influence she possessed over His Royal Highness the Commander in Chief did not go to the distribution of military promotions.

Q. Did it then go to the obtaining information of regulations in the War-office, which regulations were withheld from public notice?

A. As she always gave me to understand she could procure almost any promotion whatever, I conceived that the only way to obtain that which I wished for was by application to her.

Q. Did you in point of fact obtain the information you sought for through her means?

A. I did not; the information that I received was, as far as I can recollect, that there had been a mistake in removing us from the situation of Brigadier-Generals to Brigadier-Colonels, and that that mistake was shortly to be rectified.

Q. Was that or not the information you did wish to obtain?

A. It was not the information that I wished to obtain, if I am perfectly correct, because I do not think she stated the reason why we were removed from the situation of Brigadier-Generals to Brigadier-Colonels. I hope the honourable Committee will excuse any mistake I may make in this, for there has a period of several years elapsed since this correspondence, and I may fall into an error: it is my endeavour to give every information in my power.

Q. Look at the letter in the clerk's hand, and read it.—
[*A letter, dated the 11th of November 1804, was shewn to General Clavering.*] You there express your thanks to Mrs. Clarke for her attempts to serve you, though unsuccessful.

A. I am of opinion that must have alluded to her not being able to obtain me permission to raise a regiment.

Q. You speak further on the coming to town; when you and Mrs. Clarke met, did any conversation arise as to military promotions, or military matters?

A. It is above five years since I wrote this letter, and I
am

am sure it is impossible for any person whatever to recollect any conversation of so trivial a nature after so long a period.

Q. You have positively stated in your former examination, that you never had any conversation; you have referred the explanation which you wished to give to the Committee to-night, to the difference between communication and conversation, and that it was conversation you understood the question to refer to; do you now adhere to the answer of the former night, that you never had any conversation with Mrs. Clarke on the subject of military promotions, or military matters?

A. I do not recollect having had any conversation with her upon the subject; it is possible that something tending to it in the course of conversation might have been alluded to, but at this distance of time I cannot charge my memory with it.

Q. Having stated, that in the original application to Mrs. Clarke you proffered her the sum of one thousand pounds to obtain that which you wished at the time; did you ever, on any other occasion, make her an offer of money, or any valuable consideration of any kind, for the purpose of obtaining her supposed influence with the Commander in Chief?—*A.* I am positive I never did.

Sir T. Turton—Q. Did you ever, without making any previous offer, make her any pecuniary recompence, or give her any valuable consideration for any service she might have done you, or endeavoured to do you, with the Commander in Chief?

A. I never gave her any thing in my life, unless it might be accidentally; being in the room when the milliner brought her a shawl, I told the milliner she might call upon me for the payment for it.

Q. I understood you to say, that you consider Mrs. Clarke to have very little, if any influence with the Commander in Chief, on military promotions?—*A.* Yes.

Q. Do you found your opinion on the refusal to allow you to raise a regiment, or have you any other reason for that opinion?

A. I ground my opinion upon my own case, and also conversation with various military officers upon the subject;

jeet ; for though various reports have gone forth, to the prejudice of His Royal Highness, upon that subject, I never heard of any one case that could be brought home, nor do I believe there is any such case.

Sir John Sebright—*Q.* Did you ever apply to Mrs. Clarke, by letter or otherwise, to get you put upon the Staff?

A. I was placed upon the Staff upon the 24th of September 1803; as the Gazette of that date will shew; and His Royal Highness's first acquaintance with Mrs. Clarke did not commence till four months afterwards, in the month of January 1804.

Q. Did you not write a letter to the Attorney-General, desiring that you might be examined at the bar of this Committee upon this subject?

A. I did, and I should be extremely happy to state the reason why I wrote that letter.

Q. Acknowledging, as you have done, that you have written letters to Mrs. Clarke upon the subject of military promotions, and also have had conversations with her upon that subject, state with what view you wrote that letter to the Attorney-General.

A. About a day or two after this inquiry commenced, I perceived in the public papers that my name had been introduced, and, apprehensive that His Royal Highness might suppose that I had been engaged in any improper military transactions, I went down to the Horse Guards, to explain the transaction to Lieutenant-Colonel Gordon; Colonel Gordon did not see me, but referred me to Mr. Lowten. I called upon Mr. Lowten, and he put various questions to me; and, after my replying to those questions, he told me it would be necessary for me to go down to the House to be examined. I replied to him, that was what I should wish particularly to avoid; but that if he stated absolutely it was necessary, I certainly would attend, but that it was the farthest from my wish. When I did come down here, it was deemed right I should write a letter to the Attorney General, and accordingly such letter was written, and I stated in it, that I appeared here at Mr. Lowten's desire, after reading that letter to Mr. Lowten, and two other Gentlemen who were present, it was observed by one
of

of them that Mr. Lowten's name should not appear, in consequence of his being agent for his Royal Highness, consequently Mr. Lowten's name was expunged; and therefore it appeared I was a voluntary witness upon this occasion, whereas I was not so, but came forward at Mr. Lowten's desire.

Q. Why, after the evidence you have given here before the Committee, did you write to the Attorney-General, with a view of shewing you knew nothing at all about these transactions?

A. The honourable Member who puts that question is under a mistake, I never wrote such a letter.

Q. With what view did you write the letter to the Attorney-General; and why, after having written that letter to the Attorney-General, offering to do away the evidence of Mrs. Clarke, do you come to give the evidence which you have given at the Bar of this Committee?—A. I am very sorry to say I do not comprehend the question.

Q. With what view did you write that letter to the Attorney-General?

A. Mr. Lowten stated to me, that he conceived my evidence would be of considerable consequence in this House; and therefore, as it was absolutely necessary that I should be introduced to this House, a letter was written to the Attorney-General, as the best mode of bringing me forward.

Q. Did you inform Mr. Lowten of all your transactions with Mrs. Clarke, at the time Mr. Lowten gave you that advice?—A. I did not, of all of them.

Mr. Whitbread. Q. It stands upon the Minutes of the Evidence, that “ Brigadier-General Clavering having stated to a member of the House that he was desirous of being examined, Brigadier-General Clavering was called in, and examined by the Committee as follows: Have you sent a letter to me (namely the Attorney-General) this evening? I did so. Desiring that you might be examined? I did so.” I understand that you presented yourself as a voluntary witness; you state now, that you were unwilling to be examined, but were desired by Mr. Lowten to be examined; do you mean to state that you were a voluntary or an involuntary witness at this Bar?

A. I have no objection to state, that it was the last wish of my heart to be examined at this Bar. Mr. Lowten stated, it was extremely desirable that I should be examined, and therefore I acceded; and I apprehended the distinction between a voluntary and an involuntary witness to consist in this, that I was not summoned to attend at the Bar.

Q. Did Mr. Lowten represent to you what his reason was for wishing you to put yourself forward, instead of a summons being issued to you in the usual way?

A. He did not state any thing upon that subject.

The Chancellor of the Exchequer. *Q.* For what purpose did you go down to the Horse-Guards, and afterwards go to Mr. Lowten?

A. I was anxious to remove from the mind of Lieutenant-Colonel Gordon any idea that I had been concerned in any traffic in Commissions, as appeared in the newspapers. Colonel Gordon refused to see me, and referred me to Mr. Lowten.

Q. Were you desirous to do away that impression from the mind of Colonel Gordon at the time you recollected that you had offered that one thousand pounds for a commission?

A. I was desirous of removing from his mind any unfavourable impression that might have occurred from reading the reports of what had passed in this Committee.

Q. Were you desirous of doing so, by stating the true state of the facts to Col. Gordon, or concealing it?

A. It was my intention to have stated the fact which was alluded to in the preceding evening, in which my name was brought forward, and that was relating to Lieutenant Sumner.

Q. Was it for the purpose of contradicting that fact, that you went to Colonel Gordon?

A. It was for the purpose of explaining the mode in which my name came to be introduced by Mrs. Clarke, in the transaction in which Lieutenant Sumner's name was brought forward.

Mr. Whitbread. *Q.* Did you mention to Mr. Lowten this transaction, of the offer of the one thousand pounds to Mrs. Clarke?

A. I believe I did not; but I should have had no scruple

ple in doing it, for I had mentioned it to a thousand persons before.

Q. Are you sure you did not mention it to Mr. Lowten?—A. I think I did not.

Q. Were you appointed a brigadier general in a district, after having been inspecting field officer of a district?

A. I was continued in the district to which I was originally appointed.

Q. Had you the rank of brigadier general, after having been colonel or lieutenant colonel inspecting field officer?

A. I was promoted in common with all the officers of the same rank as myself at the same time.

Q. Did you apply to Mrs. Clarke upon the subject of that promotion, directly or indirectly, by letter or in conversation?

A. I am quite certain that I did not apply to her upon it; and I am the more certain, because I recollect that the first information I received of any of the brigadier generals being to be appointed, was about a month before it became public, and that was from her.

Q. Was that information communicated to you privately as a secret?

A. It was communicated by letter, but no secrecy enjoined, to the best of my opinion.

[The Witness was directed to withdraw.]

Mr. WILLIAMS WYNNE observed, that it was in the recollection of the House how anxious he felt to give the honourable General an opportunity of the fullest explanation. He had to regret that no such object had been pursued, but that the witness degraded his character by gross prevarication. Therefore, although a painful duty, he would not shrink from it, but conclude with moving, that General Clavering had been guilty of gross prevarication.

General MATHEW trusted his honourable friend would not prematurely press a motion, which went

to affect the honour and feelings of a gallant and deserving officer. For the last eight years he had not the honour of a frequent intercourse with General Clavering, but from what he did know of him, he was convinced there never was a man who would more studiously avoid any conduct which an honourable mind would disapprove.—He had listened attentively that night to his examination, and he could by no means prepare his mind to say, that in his testimony there was any prevarication.

Mr. WHITBREAD, although alive to the feelings of friendship, by which his honourable friend * was actuated, still could not in regard to the dignity of that House, sacrifice the paramount demands of justice.

Sir M.W. RIDLEY called upon Mr. Wynne to point out the particular parts where General Clavering prevaricated, before he pressed such a serious motion.

The CHANCELLOR of the EXCHEQUER was not zealous to cover General Clavering; but he did not believe, that although between his letters and his verbal testimony there existed contradictions, till it could be proved, that he had prevaricated.

Mr. WYNNE perspicuously contrasted the various parts of General Clavering's testimony, in order to justify his motion; and concluded with admonishing the Committee, that the country would put an injurious construction upon that system which would vent on the same misconduct, in humble life, that severer measure of punishment, than the infliction of which on the higher rank of delinquents it would impose.

Mr. CALVERT was anxious to have the evidence read, before the Committee were called upon to decide.

Mr. BRAND considered some of the answers of the

* General Mathew.

witness

witness worse than prevarication. They were studiously equivocatory, with no other object than to deceive.

Mr. YORKE spoke of a future day of reckoning, when persons to whom he applied such strong epithets would be brought to a strict examination. Until that period, he conceived, the decision of the present case ought to be suspended.

Sir JOHN SEBRIGHT would not attach to the testimony of the last witness gross prevarication, but if such inconsistency and contradictions were suffered by that House, there was at once an end to its dignity and character.

Sir THOMAS TURTON recommended to the House to look at their minutes, and they would there see an example for their proceedings. They were not to consider whether the person was high or low. They were to drive far from them so terrible a doctrine. The witness had come forward uncalled for, but he had come at his own peril, and if he had said any thing improper they were called on to take cognizance of his behaviour.

Mr. WILBERFORCE said, if called on at the present moment, from his own impression of the case to determine one way or the other, he must give it against the witness. When he recollected, however, that the witness came forward of his own accord to correct his statement, he felt disinclined to judge of his conduct too rashly, or to say what ought to be done, till both parts of the testimony had been read, or till an opportunity had been afforded the House of considering the whole in one connected view. He should therefore be better pleased, as he considered it a case of importance, that the question be postponed for a day or two. To do justice, he thought it essential either that the evidence be now read in full or that the question, be postponed for two or three days.

Mr. C. W. WYNNE declared that the moment he understood any honourable Member to wish farther time to decide on any question, in which the import of evidence was concerned, he could have no inclination but one, and that was to postpone the discussion. He had felt it a most irksome duty to agitate the question. He should with pleasure concur in the withdrawing of it at present; and should give notice of a motion on the subject when the charges should come under the consideration of the House.

Mr. WILBERFORCE hoped the honourable Member had not withdrawn his motion, but that he had only postponed it.

Mr. WYNNE said he had no wish to abandon the motion. He only, in compliance with the wish of the honourable Member, wished to postpone it.

The CHANCELLOR of the EXCHEQUER doubted, whether the contradiction in the evidence alluded to might not proceed from misapprehension.

Mr. WYNNE said, if there had been any thing like misapprehension in the business he should have been the last to notice it.

The CHAIRMAN said, he had received a letter from Major Ximenes, expressing a wish to be called to the bar in vindication of his character, in consequence of what had been stated on a former night.

Mr. HUSKISSON said, it had been stated that he was to have purchased a majority for seven hundred guineas.

Sir T. TURTON expressed a wish that the application, and its purport, should be entered on the minutes.

Mr. HUSKISSON said the gentleman was actually in waiting.

The House, however, was against calling him in.

CHARLES

CHARLES GREENWOOD, Esq. was called in, and examined by the Committee, as follows :

Mr. Abercrombie. Q. Is there any part of your evidence, respecting the appointment of Mr. Elderton, which you now wish to correct?—*A.* Yes.

Q. State what that part of your evidence is.

A. I there mentioned some unfavourable reports which I had heard of him, as having heard of them before the appointment took place; it now appears, upon referring to the transactions of that period, that these reports were not received till after the appointment had taken place.

Q. Is there any other part of your evidence on that subject which you wish to correct?—*A.* No.

[The Witness was directed to withdraw.]

Colonel GORDON was called in, and examined by the Committee, as follows:

Mr. Huskisson. Q. Do you recollect the date of Colonel Clinton's leaving the office of Public Secretary to His Royal Highness the Commander in Chief, and of your succeeding to him.

A. It was on the 26th of July, 1804.

Q. On the 26th of July, had the name of Captain Tonyn been sent in to His Majesty for promotion to a majority?—*A.* No, it had not.

Q. Then, if any person could state at that time that Captain Tonyn would appear in the Gazette of the following Saturday, that person must have been either entirely ignorant of the course of office, or must have intended to deceive the person to whom such information was given?—*A.* I should suppose so.

Q. In point of fact, would it have been possible in the course of office, between the Thursday and the Saturday, to have received His Majesty's pleasure respecting that promotion?

A. It would certainly have been possible to have received His Majesty's pleasure on the Thursday or the Friday, supposing the thing to have been so settled.

Q. In

Q. In the usual course of office could that have taken place?

A. Supposing the thing to have been settled, it might certainly have been so.

Q. On what day was Captain Tonyn's name sent into the King for promotion?

A. I have not got the documents with me, but I think, upon recollection, it was the 9th of August.

Q. Then he did not appear in the Gazette either the Sunday, or of the Saturday following?

A. No, I think not, but I have not got the documents at hand.

[The following entry was read from the Gazette of the 18th August 1804, page 999:

“ 31st Regiment of Foot, Captain Alexander Leith,
“ to be Major.—Captain George Augustus Tonyn,
“ from the 48th Foot, to be Major.”]

Q. You will observe that Major Leith's commission is dated the 1st of August, and Captain Tonyn's the 2d; can you state the reason of Major Leith's being dated the day preceding?

A. They were both promoted at the same time, and Major Leith had been the eldest captain.

Q. You have stated, that the King's approbation to Major Tonyn's promotion was obtained on the 9th of August, he appears in the Gazette of the 18th; in case the Commander in Chief had thought it right on the 16th of August to stop the publication of Major Tonyn's promotion in the Gazette of Saturday the 18th, he could have done it?—A. Yes, he might.

Q. Is there any instance, in point of fact, of the Commander in Chief directing the publication of promotions in the Gazette to be stopped, after they have received the approbation of His Majesty?

A. Yes, very frequently casualties happen between the periods of gazetting, and the periods of submitting them to the King; consequently such appointments are not gazetted.

Q. Then

Q. Then if the Commander in Chief had sent an order on the 16th, to you or to the proper department, to stop the publication of Major Tonyn's promotion, it would not have appeared in the Gazette of the 18th?

A. If the Commander in Chief had sent such an order, it probably would have been suspended.

Q. In point of fact, do you know whether any such order was sent?

A. I think it was impossible, I should have had some recollection of it, and I cannot find any trace of such a thing.

Q. And it was not suspended?

A. It was not, it was gazetted among other promotions.

Q. Do you know where the Commander in Chief was on Thursday the 16th of August 1804?

A. I cannot take upon myself to say positively where he was, but the 16th of August is his birth-day, and he commonly passes it at Oatlands.

Q. Do you know whether he was at the Horse-Guards on the following day, the 17th of August?

A. I cannot take upon myself to say, but it is a point very easily ascertained by reference to the dates; I have not the papers at hand to answer so precisely as that.

Q. Do you recollect the Commander in Chief applying to you, either verbally or in writing, between the 16th and the 18th of August, to ask you whether he was in time to stop the publication of Major Tonyn's promotion?

A. No; I have no such recollection.

Q. Can you inform the Committee, whether any officer of the name of Aslett is to be found in the Army List for that time?

A. I have caused reference to be made to the Army List, and no such person's name could be found in the list of the army.

Q. Was there any major of the name of Bligh promoted about that time?

A. I have caused a similar reference to be made to the Army List, and I can find no such person.

Q. Do you know whether an officer of the name of Bligh

Bligh was removed about that time from the half-pay of the 54th Foot, to be Lieutenant-Colonel of the 14th?

A. On inquiry, the only officer of the name of Bligh who was removed about that time, was the Honourable Colonel Bligh, who was removed from the half-pay to a regiment of foot.

Q. What was his standing as Lieutenant-Colonel in the army?

A. I really do not know, but a reference to the Army List will point it out at once.

Q. Then, in point of fact, there was no major of the name of Aslett, and no major of the name of Bligh, promoted or removed about that period?

A. None that I know of.

Q. Do you know of any officer of the name of Bacon, in the army?

A. There is a Captain Bacon in the army, but I have no knowledge of him whatever.

Q. Did he apply for promotion about the period of July, August, or September 1804?

A. Not that I know of.

Q. Do you know any thing of an officer of the name of Spedding?

A. I find upon inquiry there was a Captain Spedding in the 48th regiment at that period.

Q. Are there any documents in your office, respecting this officer's applications for promotion?

A. I think I have the documents here. It appears he applied for promotion, and was refused; and he then applied to go upon the half-pay, which was granted, and he is now, I think, upon the half-pay.

[Colonel Gordon delivered in the papers.]

“ In August 1804, Capt. Spedding of the 48 Reg applied for promotion (No. 1), and as he was known to Sir Alured Clarke, an application was made to the latter for the character of Capt. S. by whose answer (No. 2.), it appears that Sir A. C. does not recollect such an officer.

“ In Nov. 1804 Capt. Spedding applied to be placed upon half-pay (No. 4), on account of a large family, and an intricacy which had recently occurred in his private affairs.”

“ Capt Spedding was accordingly placed on half-pay, 23 Nov. 1804 ”
No. 1.

The Memorial of Capt. John Spedding, 48th Reg.

28th August 1804.

Not to be noted until a fair report shall be received from the Regt.

“ To His Royal Highness Field Marshall the Duke of York,
“ Commander in Chief.

“ The Memorial of John Spedding, Captain in the 48th Regi-
“ ment of Foot;

“ Humbly Sheweth,

“ That your Memorialist is a Captain of 1798...Has served the
“ greatest part of his military life in the West Indies, and was
“ never absent during the whole period from duty.

“ Your memorialist most humbly prays that your Royal Highness
“ may be graciously pleased to grant him promotion.

“ And your Royal Highness's memorialist,
“ August 28th 1804.” “ as in duty bound, will ever pray.”

(Indorsed.)

“ Enquire of Sir Alured Clarke of the character of this officer, to
“ whom it is understood he is known.”

General Sir A. Clarke, 7th Nov. 1804.

Put by.

“ Sir, “ Rhual, near Chester, Nov. 7th 1804.”
“ Your letter of the 29th ultimo directed to my house in town
“ was forwarded to this place; but having been absent for a
“ few days, I did not receive it till yesterday, which will, I
“ hope, sufficiently account for my not returning an earlier
“ reply to his Royal Highness's Commands.—I cannot at
“ present call to my recollection having had any personal ac-
“ quaintance with Captain John Spedding of the 48th regi-
“ ment, and consequently cannot give the Commander in
“ Chief the information he requires; or offer any opinion as
“ to that officer's merit. I have been so many years em-
“ ployed abroad on the public service, and in such various
“ parts of the world, that it is not impossible but Captain
“ Spedding may have served under my orders; and I should
“ be extremely sorry if my immediate want of recollection of
“ it should operate to his disadvantage; if, therefore, he
“ should be able to refresh my memory respecting him, by
“ any communication he may think fit to make, I shall have
“ great pleasure in doing him justice, and obeying his Royal
“ Highness's commands.

“ I am, Sir, with great respect, and regard,

“ Your most obedient humble servant,

“ ALURED CLARKE.”

“ Lieutenant-Colonel J. W. Gordon.

“ Secretary to H. R. H. the Commander in Chief, &c. &c.

No. III.

48 Foot. Mem. 23 Nov. 1804.

Agreed to.

Return this to J. M.

" Sir,

" Strand, 14 Nov. 1804."

" I am directed by General Tönyñ to transmit you the enclosed
" memorial, which the General begs leave to recommend to
" the notice of his Royal Highness the Commander in
" Chief.

" I have the honour to be, Sir,

" Your most obedient humble servant,

" Lieut. Col. Gordon, &c.

WM. GILPIN.

(Indorsed.)

" Acqñ Mr. Gilpin, for Gen. Tönyñ's information, that
" H. R. H. approves of Capt. Spedding retiring to half-pay,
" and will recommend an officer from that Est. to succeed
" him."

" To Field Marshal his Royal Highness the Duke of York,
" and Albany, Commander in Chief of his Majesty's
" forces, &c. &c. &c.

" The memorial of Captain John Spedding of the 48th Re-
" giment of Foot ;

" Humbly sheweth,

" That your Royal Highness's Memorialist, on account of a large
" family, and an intricacy which has recently occurred in his
" private affairs, is desirous of retiring from the service upon
" half-pay.

" That he has been ten years in the army, three of which he has
" been in the West Indies.

" That in the year 1799 he obtained leave of absence from the
" 11th West India regiment, wherein he then served as Cap-
" tain, and afterwards on the 17th October 1799 exchanged
" to half pay with an officer of the 2d regt. of the Irish Bri-
" gade, and did not upon that exchange receive any dif-
" ference.

" That he was removed from the half pay in July 1803, not at
" his own request.

" Your Memorialist therefore humbly hopes that your Royal
" Highness will be pleased to permit him to retire upon half-
" pay: and your Memorialist as in duty bound will ever
" pay.

" 10th November 1804."

48 Foot. Captain Hon. Geo. Blaquiere.

Mem. 23 Nov. 1804. C. L.

" Capt. Blaquiere from half pay of Hompesch Drag. to be placed
" on full pay in any regiment of infantry."

" The

*“ The Commander in Chief has approved of Captain Spedding of the
“ 48th regiment being placed on half-pay.”*

“ Captain Blaquiere may be app. to the co.”

Q. Do you know what steps were taken when Captain Spedding applied for promotion?

A. A reference was made to Sir Alured Clarke, and it appeared that Sir Alured Clarke had very little or no knowledge of him. Sir Alured Clarke's letter is here.

Q. Was there any expectation or encouragement held out to Captain Spedding, that he would receive promotion in answer to his application?

A. No, I think not. I find by a memorandum made upon the letter, that he was not to be noted until a favourable report should be received; in short, no notice was taken of his application; his memorial is dated the 28th of August 1804.

Q. Is the Committee to understand, that no notice was taken of his application, and no encouragement given to him between that application and the time he went upon half-pay, so far as the documents inform you?—**A.** None, that I know of.

Q. Do you know whether the Commander in Chief stopped all promotion in the 48th regiment?

A. I have no recollection of it.

Q. Does it appear by any document in the Office, that any reason was assigned to Captain Spedding of that nature, as the reason for not giving him his promotion?

A. I think not, I cannot find any such reason.

Q. If promotion had been stopped in the 48th regiment, is it not likely you must have recollected it?

A. Yes, I think so, some letter would have been written upon the subject, some correspondence must have passed.

Q. Then you do not believe that there was any order given to stop promotion in the 48th regiment?

A. I have already said I have no recollection of any such transaction.

Q. Have you any documents in your possession that will shew in what manner Major Taylor obtained his promotion to a lieutenant-colonelcy?—**A.** Yes, I have.

Q. Did he obtain it by purchase?

A. No, he ought not to have obtained it by purchase, he was recommended by the colonel of a new levy, Lord Mathew.

Q. What was Lord Mathew's levy, an Irish levy?

A. Lord Mathew raised the 99th regiment, and by his letter of service was to recommend the officers, his letter of service I have now in my hand, and Major Taylor is at the head of it.

Q. Then the Commander in Chief could not do otherwise, under the conditions of that levy, than accept the recommendation of Major Taylor to be a lieutenant-colonel, if he had served the time prescribed by the regulations of the army, to be qualified to hold that rank?

A. I cannot say that the Commander in Chief could not do otherwise, but it was a transaction perfectly regular, and in the due course of business.

Q. In point of fact, was Lord Mathew, as the officer who had undertaken to raise the new levy, to recommend a lieutenant-colonel?—**A.** Certainly

Q. Then is the Committee to understand that Major Taylor obtained his promotion in consequence of this levy?

A. Certainly, I know of no other cause whatever.

[Colonel Gordon delivered in the papers]

Major Taylor, 25th Foot 1st October 1804

“ To Field Marshal his Royal Highness the Duke of York,
“ Commander in Chief, &c &c

“ The Memorial of Major John Taylor of his Majesty's 25th
“ Regiment of Foot

“ Sheweth,

“ That your Memorialist served during the rebellion of 1798 in
“ Ireland, as Brigade Major and Aid de Camp to Major
“ General Trench, in which situation he remained until the
“ month of August 1799, When Major General Hutchinson,
“ son, having been appointed to the staff of the army
“ about to embark for Holland, was pleased to nominate
“ Memorialist as his Aid de Camp, in which station he
“ served the campaign of that year, That Memorialist in
“ 1800 accompanied the expedition under Lieutenant General Sir Ralph Abercrombie to the Mediterranean, and
“ landed with the army in Egypt, Memorialist served the
“ former

" former part of that campaign as Aid de Camp to Lord
 " Pritchinson, who was pleased to nominate him to the si-
 " tuation of deputy Adjutant General, upon Colonel Aber-
 " crombie's succeeding Brigadier General Hope as Adjutant
 " General, the latter having been appointed to the com-
 " mand of a brigade That in 1801 your Royal Highness
 " was graciously pleased to obtain from his Majesty the
 " rank of Major, for Memorial st, and lately to appoint him
 " to a Majority in the 25th regiment of foot
 " Memorialist therefore relying on your Royal Highness's good-
 " ness, presumes to hope that your Royal Highness will not
 " deem it improper, under circumstances which he has had
 " the honour to submit, to express an humble hope, that,
 " should an opportunity occur of promoting him to a lieute-
 " nant colonelcy in one of the new battalions, Your Royal
 " Highness will be graciously pleased to include him in the
 " list of promotion
 " Gordon's Hotel, Albemarle-street, " J TAYLOR
 " 1 Oct 1804 Major 25th Foot "

Indorsed

" Major of 1801, and just promo'd to the majority of the
 " regiment
 " Considered with others, having equal pretensions; but no
 " favourable opportunity at present "

99th Foot Mem 28th February, 1805 C L

" Compare this list with that already in your possession "
 " Col Gordon If you wish to shew this to H R H to day "
 " Sir, " By direction of Lord MatheW, we
 " have the honour to request your Royal Highness will be
 " pleased to recommend to his Majesty, the officers, whose
 " names are contained in the inclosed list, for promotion,
 " and appointments in his lordship's regiment
 " We have the honour to be,
 " With great deference and respect, Sir,
 " Your Royal Highness's
 " Very faithful and devoted servants,
 " Craig's-court, 23d Feb 1805 " GREENWOOD & COX "
 " Field Marshal his Royal Highness
 " The Duke of York, &c &c

[Then follows a STATEMENT OF LORD MATHEW'S
 LEVY, with the usual objections to the promotions,
 and other remarks]

Q. Does it appear that he applied for leave to purchase a Lieutenant-colonelcy?

A. I do not find any such application.

Q. Have you any documents respecting the promotion of Captain Ximenes to a majority in August 1804?

A. Yes, I have.

Q. Where was Captain Ximenes when he was promoted?—A. With his regiment, in Canada.

Q. Was he an old captain in the army?

A. Yes, he was a captain of 1794, of ten years standing.

Q. Was he of that class of captains from his standing who was entitled, according to the view you take of the pretensions of officers of that rank and time, to a majority?—Q. Yes, he was.

[Colonel Gordon delivered in the papers]

“ Ximenes was a captain of November 1794, and promoted to a majority in the 62d regiment on the 28th August 1804, in consequence of the accompanying applications from his brother ”

1. Cap Ximenes, Wargrave Rangers, 29th April 1804

No 40, Weymouth-street, Portland-place, 29th April 1804

“ Sir,

“ My brother, Captain David Ximenes of the 29th regiment
 “ (now at Halifax), being a captain since 1794, induces me,
 “ in his absence, to have the honour of requesting you’ll be
 “ pleased to interest yourself with his Royal Highness the
 “ Commander in Chief, for the purpose of obtaining him
 “ permission to enter on an arrangement (by me) for raising
 “ men under the late regulation, for a majority for him. I
 “ was very successful in raising a large proportion of the
 “ late Windsor Foresters Fen Cav in which I served from
 “ its commencement to the general reduction of Fen Cav
 “ in 1800. I will use every exertion till his return, which I
 “ humbly hope, in consideration of his being a captain of
 “ near ten years standing, and having purchased every step,
 “ his Royal Highness will graciously permit, and I beg
 “ leave further to state, that when he was on the recruiting
 “ service he was very successful

“ I am, Sir, with the utmost respect,

“ Your most obedient humble servant,

“ Col. Clinton, &c &c &c ”

“ MORIS XIMENES

“ Capt Comt Wargrave Rangers ”

To be noted

1. Mak

1 Maidenhead, 22d August 1804

The Memorial of Captain M Ximenes of the Wargrave Rangers in behalf of his brother, Captain D Ximenes of the 29th regiment.

His brother's claims will be considered.

" To Field Marshal His Royal Highness the Duke of York,
Commander in Chief, &c &c &c

" The Memorial of Captain Morris Ximenes, Commandant of
" the Wargrave Rangers, on behalf of his brother, Captain
" David Ximenes of the 29th regiment of foot, now on duty
" with his regiment,

" Most humbly Sheweth,

" That your Memorialist having seen in the Gazette several
" captains promoted to majorities, junior to the above said
" Captain David Ximenes of the 29th foot, most humbly
" prays that your Royal Highness will be pleased to take
" his said brother's length of service (being nearly ten years
" a Captain) into consideration, and recommend him to his
" Majesty for promotion.

" And your Memorialist will ever pray

" M XIMENES "

" Bear Place, Maidenhead, Berks,

" 22d August 1804 "

" Capt D Ximenes,
29 Regt "

" He is a captain of
" 1794, and a young
" man — does your
" R H approve of
" his being promoted
" for promotion —
" he is abroad with
" his corps "

" Approved,
" C L."

" I have posted Capt X
" to the 62d
" J W G

1 London, 23d December 1804,

Major Ximenes, 62d Regiment

" Sir,

" New Hummums, Deer 23, 1804 "

" I'll thank you to have the goodness to inform his Royal High-
" ness the Commander in Chief, of my arrival here, and of
" my readiness to join the regiment, to which his conde-
" scending kindness has promoted me, for which promotion
" I should be happy to return thanks personally to his Royal
" Highness

" I have the honour to be, Sir,

" Your most obedient servant

" Lieut Col Gordon, &c

" Horse Guards "

" D. XIMENES;

" Major 62d Regiment."

Major Ximenes
62d Regt

For your R Highnesses perusal

He must join
his Regt

Q. Was the levy of this regiment of Lord Mathew's completed?

A. It is actually now a regiment of the line, and serving, I think, in the Bahamas; it is the 99th regiment.

Q. Was it completed in the year 1804?

A. It was so far completed as to entitle him to recommend his Officers; it was completed according to his letter of service, at least I believe so; it was regularly inspected by the Commander of the Forces in Ireland, and I know nothing to the contrary.

Sir G. Warrander. **Q.** You observe in the statement of Colonel Brooke's services, he is appointed to the 56th regiment on the 5th January, 1805?

A. I see it is so.

Q. Having stated, in your former evidence, that it was necessary to make inquiries into the services of Lieutenant-Colonel Brooke, on the 1st of July, when the exchange was proposed; were not inquiries made previous to the 5th of January, when he was appointed as effective to the 56th regiment of foot from half-pay?

A. I take for granted that due inquiries were made; but I think I have stated in my evidence that particular inquiries were necessary on his exchange to the cavalry.

Q. You mean that inquiries respecting Colonel Brooke were made with respect to his fitness as a field officer of cavalry?—**A.** I mean exactly that.

Q. You will observe, that the only services of Colonel Brooke as a cavalry officer, are for three months as a cornet in 1793; state what the result of your inquiries into the services of Colonel Brooke as a cavalry officer were, in addition to those stated as a cornet for three months in 1793.

A. That very circumstance made the inquiries still more necessary, and the result of them was satisfactory, as I have before stated; and that they were satisfactory, the services of Colonel Brooke have since very fully proved.

Q. State what other services Colonel Brooke was engaged in which could give him a knowledge of cavalry, in addition to the three months during which he was cornet in 1793?

A. I have already stated to the Committee, and it is in evidence

evidence before them, that I kept no memorandum in writing of such inquiries, but that the result of such inquiries was satisfactory; the conduct of Colonel Brooke, in the command of his regiment, has proved that they were eminently satisfactory.

[The following entry was read from the London Gazette of the 18th of August, 1804:—

“ 14th Regiment of Foot, Lieutenant Colonel
 “ Hon. Wm. Bligh, from the half-pay of the 54th
 “ Foot, to be Lieutenant Colonel.”

WILLIAM ADAM, Esq. a Member of the House, attending in his place, was examined, as follows:

Sir T. Turton. Q. You stated in your first examination, that you considered Mrs. Clarke had prejudiced His Royal Highness's interest and his name with regard to money, and that an investigation took place; in consequence of that investigation, did any proofs appear of His Royal Highness's name having ever been used by her to procure money?

A. It is impossible for me to state the particular facts that appeared, but I remember perfectly well it was certainly established that there had been transactions with regard to goods and likewise with regard to bills, which satisfied me that that representation was correct; I made no memorandum at the time.

Q. Then you cannot state any particular transactions, or any particular sum for which the name of the Duke of York was made use of to raise money for Mrs. Clarke?

A. Certainly not.

Q. Can you state the sources from whence you derived the information of its being so raised?

A. I believe I have already stated in that part of my evidence, that, in order to obtain the information that was necessary to enable His Royal Highness to judge what course he should take with respect to Mrs. Clarke, I communicated with Mr. Lowten, and he employed Mr. Wilkinson; Mr. Wilkinson made an investigation, and reported the circumstances to me.

Q. It

Q. It appears in your evidence, that the facts of the raising of money, or the prejudicing the interests of the Duke of York, by making use of his name, were communicated, after the investigation, to His Royal Highness; were they communicated to His Royal Highness by yourself, or by Mr. Lowten, or by Mr. Wilkinson?

A. The result of the investigation was drawn up by Mr. Wilkinson or Mr. Lowten, I do not know which, and that was conveyed to His Royal Highness, not by my hand, but transmitted to His Royal Highness when he was at Oatlands, I believe, upon the 7th or 9th of May, 1806.

Q. I understood by your evidence, that his Royal Highness the Duke of York was very unwilling to believe the facts that were charged against Mrs. Clarke; is the committee to understand, that, after the investigation was made, and the facts were communicated to his Royal Highness, he was then satisfied that she had made use of his name, and prejudiced his interest by so doing?

A. I can only answer that by stating what his Royal Highness's conduct was: His Royal Highness, in consequence of being possessed of the information which I have stated to have been conveyed to him, immediately or very soon after came to a resolution to take the step of separating from Mrs. Clarke.

Q. Then I understand you to say, that the consequence of laying these facts before his Royal Highness the Duke of York, was his separation from Mrs. Clarke?

A. I can draw no other conclusion than that; for, as I have already stated in my evidence, before that time, there was no reason to suppose that his Royal Highness intended to separate from Mrs. Clarke; and, after that time, he did take that determination.

Q. Did you read, at any time, the statement that was drawn up by Mr. Lowten or Mr. Wilkinson, and submitted to his Royal Highness the Duke of York?

A. I certainly did.

Q. Does your recollection furnish you with any specific sum that was raised by Mrs. Clarke in the Duke of York's name, without his authority?

A. No, it does not.

Q. Probably you know whether the paper which was delivered

delivered to his Royal Highness the Duke of York, is in the possession of his Royal Highness at present?

A. I never have seen that paper since.

Lord Folkestone. *Q.* When did you first hear of the note in the possession of Captain Sandon?

A. On Saturday morning, the 4th of this month, between ten and eleven o'clock.

Q. From whom did you hear of it?

A. I heard of it from Colonel Hamilton; Colonel Hamilton came to my house on Saturday morning, between ten and eleven o'clock, before I was out of my bed.

Q. State to the Committee what passed upon that occasion?

A. Colonel Hamilton came to my house between ten and eleven o'clock on Saturday morning, and was shewn up to me. He immediately mentioned to me that he had seen Captain Sandon at Portsmouth; that Captain Sandon had communicated with him upon the subject of this Inquiry; he said, that Captain Sandon had asked him how he should conduct himself; that he had told Captain Sandon that there could be no rule for his conduct, but one, which was to adhere strictly to truth, to tell every thing he knew, that it would not at all avail him to do otherwise, even if he should have an inclination, because he would be examined, I think he said, by the united ability of the country. He then told me, that Captain Sandon told him that he had some letters upon the subject of his transactions with Mrs. Clarke, and that he had a note, which is the note in question, which he believed to be in the Duke of York's handwriting; that that note he had shewn to Captain Tonyn before he was made Major Tonyn, in order to induce him either to keep the deposit which he had made, or to replace the deposit which he had made, I cannot exactly recollect which, that deposit he had threatened to withdraw in consequence of the delay between the first interview he, Captain Sandon, had with Captain Tonyn, on the subject of his promotion, which he represented, I think, as being nearly two months, that there was likewise another note, which note had been delivered, as he stated, to Major Tonyn, which was a note saying he was to be gazetted to-night, or in words to that effect. Colonel Hamilton told me

me he had given strict injunctions to Captain Sandon to preserve the note which he represented as in the Duke of York's hand-writing, and which I understand now to be the note about which there has been so much inquiry here, the original of which has been produced, and every paper. I said to Colonel Hamilton, that nothing could be more correct than his instruction; that it still remained to be seen what the terms of the note were, and to be judged of whether it was the Duke of York's hand-writing; I desired Colonel Hamilton, therefore, to go to Captain Sandon, and to desire to look at the note, and to take a copy of it, and to repeat his injunctions in the strongest manner, to preserve all the papers, and among the rest the note. Colonel Hamilton returned to my house, I think it must have been considerably before one o'clock; it was after twelve or about twelve; he told me, that he had repeated those instructions, that he had taken a copy of the note, which he brought to me, which I perused, and found to be in the very terms of the note which has been since produced; and he added, that according to his opinion and belief, it was the Duke of York's hand-writing. I then told him that such circumstances must be immediately communicated, and I wished him, therefore, to go to Mr. Perceval, with a note which I wrote, and that I would follow as soon as I could. Colonel Hamilton went to Mr. Perceval, which I know, because I found him there, and had told Mr. Perceval the story before I arrived. Mr. Perceval and myself deliberated upon the course to be taken, and having understood from Colonel Hamilton's representations (for I believe neither of us ever saw Captain Sandon till he came to the Bar of this House) that Captain Sandon had been applied to by Mrs. Clarke, and I think he said Mr. Wardle, but I will not be sure, and Mr. Lowten, to go to them, it was Mr. Perceval's suggestions, and my own, I believe mutually almost, that the most advisable course for us to direct Colonel Hamilton to take, was to instruct Captain Sandon to hold no further communication with any person whatever till he appeared at the Bar of this House, and likewise to instruct him, to preserve the note and all the papers he had spoken of. Colonel Hamilton received those instructions at Mr. Perceval's house, and went, as I

pretended

presumed, to make the communication immediately to Captain Sandon, which was to be done before two o'clock, because Sandon had promised, as we understood from Colonel Hamilton, to give his answers, to the persons who had desired to see him, at that hour. After having given these directions to Colonel Hamilton, it was agreed by Mr. Perceval and myself, that this matter ought to be communicated to the Duke of York, and it was further agreed by us, that the matter should be brought before the House of Commons by us, in case it did not make its appearance in the evidence of Captain Sandon. I went in search of his Royal Highness the Duke of York, but it was the evening before I saw him; I communicated the matter to him, he expressed his surprise and astonishment, and declared the impossibility of his ever having made any such communication, and wished immediately to go to Mr. Perceval; we went to Mr. Perceval's together, where he made a similar asseveration, and again at Colonel Gordon's. I did not see his Royal Highness again till between three and four o'clock on Sunday the 5th, and I did not see Colonel Hamilton until Sunday at one o'clock, when I saw him for the purpose of learning whether he had executed the delivering the instructions to Captain Sandon in the manner that Mr. Perceval and myself had required; Colonel Hamilton told me that he had delivered them in the very terms; that Captain Sandon had said, that he, Colonel Hamilton, might depend upon his, Captain Sandon's, obeying his instructions; but that he would be extremely angry with him, or extremely enraged with him, I am not sure which was the expression, for he had already disobeyed one of his instructions, he had destroyed the note; upon which, according to Colonel Hamilton's representation, he said, Good God, have you destroyed the note? Of course I expressed myself to a similar effect to Colonel Hamilton when he made the communication to me respecting the destruction of the note. I went to Mr. Perceval, according to appointment made the day before, and communicated to him this fact, as stated by Colonel Hamilton; this became again the subject of our deliberations, and we again determined that it was our duty, as Members of Parliament, to bring the matter forward, leaving it to ourselves
to

to judge in some measure, with regard to the time of bringing it forward; and in order that there might not be a possibility of supposing that we brought it forward, or kept it back according to circumstances, it was determined to make the communication to certain Members of this House. Accordingly the facts, as I have now stated them, were communicated to Lord Castlereagh, to Mr. Canning, to the Attorney, and Solicitor General, to Lord Henry Petty, to Mr. Whitbread, and to General Fitz-patrick. This brings the fact down to the transaction in this House.

Q. Mr. Lowten is employed as an agent of the Duke of York?—A. He is.

Q. Has Mr. Lowten been in the practice of examining the Witnesses that were produced in support of the charges against the Duke of York?

A. I really do not know whether he has or not.

Q. When you stated the circumstance of this note to the Duke of York, did the Duke of York state that he never had written such a note with a view of influencing Captain Tonyn, as it has been represented by Captain Sandon, or that he had never written such a note at all to Mrs. Clarke?

A. The Duke of York stated, that he was perfectly sure that he had never written such a note; that he had not a recollection of it at all.

Q. Did he state to you, that he had never written to Mrs. Clarke upon the subject of military affairs?

A. He always stated to me, that, to the best of his recollection, he had never written to Mrs. Clarke on the subject of military affairs, and that, if he had done it, it must have been very rarely.

Q. Have you any objection to state what were the grounds of your withholding this communication from the House till the period it was brought forward?

A. The ground that influenced my mind was, that I thought if the communication had been brought forward at an earlier period, it might have embarrassed the course of proceeding in the Inquiry, at the instance of the Gentleman who had set it on foot, and that, in considering the whole circumstances of the case, justice would be better obtained, whatever the effect of that note might be, by keeping it back till the period when it was allowed to transpire.

pire. I can only say now what were my motives and reasons for that conduct; that was what influenced me in the opinion I gave in consultation with Mr. Perceval upon that subject. I mentioned that I did not see the Duke of York again till three or four o'clock on Sunday; at one o'clock on Sunday I was informed, by Colonel Hamilton, of Sandon's having declared the note to be destroyed. Between three and four o'clock on Sunday I informed the Duke of York of that fact. I think it right to state that as a material fact in the case.

Q. You have stated, that one motive which you had for keeping back the mention of this note to so late a period, was, lest you should embarrass the Gentleman who brought forward this Inquiry, by the premature disclosure of the note; explain to the Committee how that disclosure would have embarrassed him more than the cross-examinations which took place, when the Witnesses appeared at the Bar?

A. I considered this note, and the transaction respecting it, the disclosure respecting its destruction, to form one of the most extraordinary features that I had ever known of in any case. If I had been in the course of examining Witnesses much in this proceeding, I should have avoided cross-examining to that fact, thinking the mode that was adopted a more satisfactory means of bringing it forward; and I believe it will be found, that there was no cross-examination of Sandon to that fact, nor any thing that could lead to it; and therefore, answering to the motive, and not to the fact, I can only say it does not strike me that this stands upon the same footing as the ordinary cross-examination of Witnesses, according to my conception.

Q. Why should its being an extraordinary feature, prevent its being presented at an early period; is it usual for extraordinary features to be kept back in evidence in courts of justice, when they relate to the evidence that witnesses examined in chief, are given to the court?

A. I conceive, that being possessed of a fact of this sort, which I found it my bounden duty, in conjunction with Mr. Perceval, to bring before the public, whatever its consequences might be, and which the Royal Duke, I believe, had expressed a desire to Mr. Perceval, should be brought before the public, that I had a right to exercise my discre-

tion, in conjunction with Mr. Perceval, to bring it before the public at the time that, according to that discretion, we should think the best, meaning honestly and distinctly at all times to bring it before the House.

Q. You have stated, that you thought that the purposes of justice would be best answered by not bringing this fact before the House sooner than it was brought; will you explain how the purposes of justice were likely to be best answered by the delay in bringing forward the circumstances respecting this note?

A. I can only state how I think the purposes of justice would be best answered; I cannot be so presumptuous as to say that the purposes of justice were best answered, but in my opinion they were, because it brought this particular feature of the case distinctly, clearly, and unembarrassed, before the House; that if it had been mixed up in cross-examination, or brought forward in that shape, it neither would have appeared so distinct, nor have appeared so clearly the determination of the persons in bringing it forward.

The Right Honourable SPENCER PERCEVAL, attending in his place, was examined by the Committee, as follows:

Lord Folkstone. *Q.* Have you heard the statement of the Honourable Gentleman lately under examination, and do you wish to add any thing to that statement?

A. I am not quite certain that I heard the whole. If it is wished that I should state the motives that influenced my mind, not in keeping this back, but in not bringing it forward before, I conceived the case that was to be made against the Royal Duke was closed. When the communication was made to me, I thought at the first it was a very extraordinary circumstance; and when I found that the note was, as the Witnesses represented it, destroyed, coupled with the direct assertion of the Royal Duke, that this note was a forgery, I thought it to be a forgery, and I determined to act upon the supposition of its being such, and upon that impression, and with a view the better to detect it, if it were so, I thought it better that all the Witnesses that could in any degree have been concerned in that transaction,

action, should have told their own tale to the Committee, before they were in any degree informed, by me, at least, or by the course that we took, of our being in possession of any fact, or inclined to make use of the information we had of any fact, it might break in upon their own plan of narrating it to the Committee, if it had been a single case, instead of a variety of cases, that were brought before the Committee, I apprehend that there could be no question; that on the part of the defence to that charge, those who interested themselves in the defence could not be called upon to produce any part of the evidence which they thought material, till they had the whole of the case that was to be brought against them laid before the Court; and considering how the whole of these cases are, by means of the same Witnesses, more or less, being brought forward upon them all, considering from that circumstance how they were all connected, I conceived it would be better that this information should not be given till it was closed.

Q Was the introduction of this evidence settled, upon the supposition that the note was actually destroyed?

A. Certainly my impression was, that the note was actually destroyed, and it was after that impression was conveyed to me, that the note was actually destroyed, that I concurred with my honourable and learned Friend in thinking that it was equally necessary that fact should be brought before the Committee; and perhaps I might be permitted to add, that, feeling there was a considerable degree of awkwardness in the appearance of being backward to bring forward at the earliest period a fact so important as this fact was, we did think that our own honour would hardly be safe, unless we made a communication not only of the fact, but of our determination to produce it in the manner in which we did.

WILLIAM ADAM, Esq. in his place, made a Statement, as follows

It becomes unnecessary for me to state any thing in confirmation of what has been stated by the Chancellor of the Exchequer, but I think it right to state to the Committee, that the whole course of our conduct rested on a thorough conviction that the note was destroyed.

Mr. WHITBREAD and Gen KITZPATRICK bore testimony to the correctness of the honourable and learned gentleman's* statement.

Mr. WHITBREAD said he was told the story on the Monday after Mr. Adam had become acquainted with it, and considered himself as the depositary of what was afterwards to be communicated to the Committee; he considered it quite certain that the note was destroyed.

The CHANCELLOR OF THE EXCHEQUER and Mr. ADAM stated, in answer to a question from Mr. BRAND, that the whole course of their conduct rested in a thorough conviction that the note was destroyed.

Mr. HUSKISSON proposed reading the letter from Major Ximenes, deprecating the mention that had been made of his name in the course of the inquiry. The letter stated that Major Ximenes never had any intercourse with Mrs. Clarke, directly or indirectly, that he had served ten years in the army before he was made a major, that at the time he was promoted, he was in America. He intreated to be examined at the Bar on these points, and observed, that his brother was in waiting to corroborate what he had advanced. Mr. Huskisson moved, that Major Ximenes be called in, but the motion was opposed, on the ground that any such irrelevant examination would be only wasting the time of the Committee.

It was suggested by another member, that the examination of the major was unnecessary.

Mr. BENJ TOWN, was called in, and examined by the Committee, as follows

Mr. C. Adams Q State to the Committee your name?

A. Benjamin Town.

Q. I presume, then, you are of the Jewish persuasion?

A. I am.

* Mr. Adam.

Q. You

Q. You have stated on a former occasion, that in your transactions with Mrs. Clarke, she told you she could forge the Duke of York's name; are you aware that that word is applicable only to fraudulent transactions?

A. That I cannot say.

Q. Did you use it in that sense?—A. No, I did not.

Q. Did you, then, when you mentioned the word *forge*, only mean the word *imitate*?

A. Those were her words, that she could forge the Duke's name, and she has done it, and she shewed it me immediately on a piece of paper.

Q. Did you understand that word *forge* to mean *imitate*?

A. Those were the words that she expressed.

Q. Had you, before you gave your evidence here on a former occasion, read in the newspaper that part of Mrs. Clarke's evidence, wherein she spoke of you as a Jew, and said, perhaps you might have stolen a letter or two from her?

A. I never saw the paper, nor never heard of it.

Q. Did you say that Mrs. Clarke had forged the Duke's hand-writing?

A. She said she could, and she has done it; that she has forged the Duke's name, and she shewed it me on a piece of paper.

Q. What is your name?—A. Benjamin Town.

Lord Falkstone. Q. How long have you had that name?

A. My father's name is Town.

Q. Does your father go by the name of Town?—A. Yes.

Q. How long has he gone by the name of Town?

A. That I do not know.

Q. Have you never known him by any other?—A. No.

Q. Recollect yourself?—A. No, I have not.

Q. What is your father?—A. He is a Jew.

Q. What is his trade?

A. He is an artist, he teaches velvet-painting.

Q. How long has he taught velvet-painting?

A. Many years.

Q. Do you remember your father carrying on any other trade but that of velvet-painting?

A. That I do not know, he might; ladies have now and then, I suppose, asked him to recommend some jewellery to them, and I think he has sent different jewelleries to the ladies.

Q. Did you ever know him go by the name of Lyons?

A. No, never.

Q. I understood you to say, that Mrs. Clarke told you she could forge the Duke of York's hand, and that she actually forged his hand in your presence?

A. She said that she could, and she has done it, and she shewed it me on a piece of paper, and I could not tell the difference between the two.

Q. How could you tell it was the Duke of York's hand-writing.—A. I did not know only as she told me.

Sir. T. Turton. Q. What do you mean by forging?

A. I do not know; those were her words; I only tell you what she told me.

Mr. Wardle. Q. Did you appear as a witness at the Sessions at Clerkenwell?

A. Yes, I did; it is a considerable time back.

Q. Do you know Mr. Alley, a barrister, and recollect any such barrister at those sessions?

A. Yes; he was, I believe, Mr. Smith's counsel.

Q. State whether any thing particular happened at that sessions with regard to your evidence?

A. I do not recollect.

Q. Endeavour to recollect whether Mr. Alley in that court, used any strong expressions to you?

A. I do not recollect any; he said that I was a Jew, and that all the Jews ought to be punished, or something of that kind; he made use of some language which I cannot recollect.

Q. Is any indictment now hanging over your head for perjury? [The witness was directed to withdraw.]

The CHANCELLOR of the EXCHEQUER objected to this question. How could it affect the credit of this witness that there was a proceeding instituted against another person?

The member who had before spoken on this subject, still believed the witness was implicated from his great hesitation.

[The witness was again called in, and the question was proposed.]

A. No.

A. No.

Q. Do you know of any proceedings?

A. I know there is a proceeding, but I do not know upon what grounds; it is not against me; it is not belonging to me.

[The witness was directed to withdraw.]

[The witness was again called in.]

Q. Are you sure that you are in no way connected with that proceeding?

A. I do not know whether it is my sister or brother; I cannot tell which.

Q. Are you sure you are no way implicated in or connected with that proceeding?—A No, I am not.

Q. What is the proceeding, and against whom?

A. It is so long since, I cannot tell; there have been so many, and Mr. Smith has lost them all, that I cannot recollect what he is doing, or what he intends doing.

[The witness was directed to withdraw.]

WILLIAM ADAM Esquire, made the following statement in his place :

In my examination this evening, I have been asked whether his Royal Highness stated to me, that he had not corresponded with Mrs. Clarke upon military matters; in answer to which I said, that his Royal Highness did not recollect ever having corresponded with her upon military matters; or, if he had, very rarely. The latter part of that answer is erroneous, and without that addition, of “very rarely,” the answer is correct.

Q. Did the Duke of York state to you, that he did not recollect ever having written to Mrs. Clarke about any military business whatever?

A The Duke of York certainly stated to me, that he did not recollect to have written to Mrs. Clarke upon any military matters whatever. He afterwards said, that if he had ever written to Mrs. Clarke upon any military matters whatever, it must have been merely in answer to some question

tion put in some letter of her's; and his Royal Highness said expressly, that when she once stated something to him early in their acquaintance, respecting a promotion in the army, he said, that was business he could not listen to, and he never heard any thing more of it afterwards.

JOHN MESSENGER was called in, and examined by the Committee, as follows:

Mr. Huskisson. Q. What is your situation in life?

A. I live with Mr. Parker.

Q. What is he?—*A.* A goldsmith.

Q. Does he receive goods in pledge?—*A.* He does.

Q. He is a Pawnbroker?—*A.* He is.

Lord Folkstone. Q. Did Mrs. Clarke ever pledge any goods with Mr. Parker?—*A.* Yes, she did.

Q. Did Mrs. Clarke ever apply to Mr. Parker to discount any bills?—*A.* Yes, she did.

Q. Among the bills so discounted, were there any drawn by Mr. Dowler upon Mrs. Farquhar?

A. Yes, there was one.

Q. State the date of that bill and the amount?

A. The bill was dated on the 11th of June, 1805, at two months after date.

Q. What did the bill purport to be?

A. For three hundred and sixty-three pounds drawn by Dowler and accepted by Farquhar?

Q. What is the Christian name of Dowler?

A. I do not know.

Q. What is the Christian name of Farquhar?

A. I do not know; Mrs. Clarke has credit by bill of Dowler on Farquhar.

Q. Did Mr. Parker discount that bill?—*A.* He did.

Q. Was it paid when it became due?—*A.* No, it was not.

Q. Did Mr. Dowler draw any other bills?

A. No, I believe not, not to my knowledge; I do not perceive any other bill drawn by Dowler.

Q. Is there no other bill drawn by the name of Farquhar?

A. None drawn by Farquhar; there are others drawn by Mrs. Clarke, and accepted by Mrs. Farquhar.

Q. Were those bills paid?

A. No

A. No, not the day they were due; there was one for one hundred pounds, which we discounted for her on the 13th July 1805.

Q. That was not paid when due?

A. No; another on the 19th of September, drawn by Clarke on Farquhar at two months.

Q. Was that paid when due?

A. No; on the 27th of September we discounted another, drawn by Clarke on Farquhar the 27th of September, at two months, for one hundred pounds.

Q. Was that paid when due?

A. No, I believe it was not; that is the whole that we discounted.

Q. How were those bills taken up?

A. We received on the 19th of September a draft of the Duke of York's, dated on the 18th of January 1806, for four hundred pounds, dated forwards three months; it was due on the 18th of February.

Q. How were the others taken up?

A. On the 4th of December, we have credited her with a bill of Bell on Pritchard, for one hundred pounds; another drawn by Bell on Millard, for one hundred pounds.

Q. Were any others taken up by any draft or check of the Duke of York's.

A. We received on the 10th of February 1806, a promissory note, drawn by the Duke of York, payable to Parker, dated on the 8th of February, at four months, for two hundred and thirty pounds.

Q. Had Mr. Parker jewels or other property of Mrs. Clarke's, in his possession, as a security for those advances?

A. Yes.

Q. Were there any bills in 1805?

A. The one for four hundred pounds was taken in 1805.

Q. Does your book state what pledge was redeemed by that bill in September 1805.

A. It was discounted; no pledge was redeemed in September.

Q. Did Mrs. Clarke deposit any goods in pledge, in the year 1805?—*A.* That I do not recollect.

Q. Does not your book state that?—*A.* No.

[The witness was directed to withdraw.]

[The following entry was read from the Gazette of September 4, 1804:

“ 48th regiment of foot, Lieutenant William Fry French to be Captain, without purchase, vice Colquhoun, promoted in the 14th Battalion of Reserve ”

[The following entry was read from the Gazette of the 6th of October, 1804:]

“ 25th regiment of foot, Ensign Henry Crotty, from the 48th foot, to be Lieutenant without purchase.

Miss TAYLOR was called, but was not in attendance.

Mr. BERESFORD wished to ask some questions respecting the post marks of the correspondence on the table; and the Chancellor of the Exchequer undertook that they should all be printed with the letters.

The CHANCELLOR of the EXCHEQUER then said that there were two witnesses necessary to be examined again; Mrs. Clarke, for the purpose of giving evidence as to all her correspondence with the Duke of York, to the time of her separation from him; but as she would not be likely to be in readiness for attendance for a day or two, he thought the Committee had better adjourn till Wednesday.

[The Chairman was directed to report progress, and ask leave to sit again.]

Mr. WILLIAMS WYNNE said that as soon as the names on the list were disposed of, he should take an early opportunity of bringing forward the prevarication of General Clavering.

Captain Sandon was ordered to be remanded to Newgate.

Adjourned at three o'clock.

ON WEDNESDAY the 22nd. of FEBRUARY

General LOFTUS moved, that Mr. Frederick Smith attend on the Committee to whom it was referred to consider the conduct of the Duke of York.—Ordered

It was also ordered, that Mrs. Jacobs do attend the said Committee.

On

On the motion of Mr. WARDLE the House then went into a Committee on the conduct of his Royal Highness the Commander in Chief.

[Mr. WHARTON in the Chair.]

The Serjeant being ordered to call in Mrs. Mary Ann Clarke, reported that she was not in attendance.

Lord MILTON moved that Colonel Hamilton be called in.

Colonel DIGBY HAMILTON was called in, and examined by the Committee, as follows :

Lord Milton. Q. When did you first know Captain Sandon was in possession of that note, which is now in the possession of the House ?

A. He informed me so at Portsmouth, the day that he arrived.

Q. Was that before or after the commencement of the inquiry in this House ?

A. It was after the inquiry commenced.

Q. When did you first communicate this intelligence, and to whom did you communicate it ?

A. The communication was made to me on Wednesday, and on the Saturday following I communicated it to Mr. Adam.

Q. Did Captain Sandon tell you, that he considered this note of great importance to the present inquiry ?

A. I do not recollect that he did.

Q. Did Captain Sandon tell you, that he believed this note was forged ?

A. Certainly not ; no conversation of the sort took place between Captain Sandon and myself.

Q. When you first saw the note, did you believe that it was forged or genuine ?

A. In my opinion, I thought it to be the hand writing of the Duke of York, and therefore I did not conceive it to be forged.

Q. Are you acquainted with the hand-writing of the Duke of York ?

A. I have never seen his Royal Highness write ; I have had occasion to see letters, which I was led to believe were his

his Royal Highness's writing; and I have also seen his signature to public documents.

Q. Did you desire Captain Sandon not to destroy this note?

A. Repeatedly, and laid the strongest injunctions upon him to that effect.

Q. When you communicated this intelligence to Mr. Adam, you believed that the note was in existence?

A. Judging from what Captain Sandon had promised me, when I saw him at Portsmouth, I took for granted that he had not destroyed the note; I had no communication with him after I saw him on the business till I met him on the morning of my seeing Mr. Adam, which was subsequent to my mentioning the occurrence to Mr. Adam.

Q. Did Captain Sandon tell you, that he thought it would be best to destroy the note?—*A.* No.

Mr. Wilson. *Q.* Did Captain Sandon communicate to you any thing of his motives for wishing to destroy the note?

A. I had no intimation whatever from Captain Sandon of such an intention; I only knew, or believed, the note to be destroyed, upon his informing me that he had done so.

Chancellor of the Exchequer. *Q.* Was the occasion of Captain Sandon's stating to you that he had destroyed the note, on your returning from Mr. Adam and myself with a direction to him not to destroy it?

A. It perhaps would be more satisfactory to the House, if I were to state the reasons which led to Captain Sandon's making that declaration to me: After I had seen Mr. Adam, I made an appointment with Captain Sandon to meet me at the British Coffee house at two o'clock on the same day: previous to going to the British Coffee-house, I had the honour of an interview with the Chancellor of the Exchequer; I was desired to repeat what I had previously stated to Captain Sandon, the necessity of his preserving all the papers, and that he should confine himself strictly to the truth in his examination before this Honourable House. When I went to the British Coffee-house, there were several persons in the room, and I did not conceive that a proper place to talk upon such a subject; I begged him to accompany me,

as I was going towards the city: In going towards Temple-bar, he said, Colonel, I am sorry that I have not complied with the whole of your injunctions, for I have destroyed the note. I told him that he had done extremely wrong; that it would be of serious consequence, and that it must be his own affair. I had no intercourse whatever with Captain Sandon from that period till the day of his commitment by this honourable House; he came to call upon me on the morning of that day; I met him after I left my lodging in Oxford street; he mentioned, that he came to explain to me that he had not destroyed the note, but that he did not mean to produce it. I told him he would do extremely wrong, and that I could only repeat the injunctions I had formerly given him, and that I did not mean to discuss the subject further. After some conversation as to regimental business, we parted, Captain Sandon stated, that the papers were his own, and that he thought he had a right to do whatever he thought proper with them.

Mr. Ald. Combe. Q. Did Captain Sandon tell you why he did not mean to produce the papers?

A. No, he did not assign any reason whatever.

Q. In the first conversation you had with Captain Sandon, or at a future conversation when he produced the note, did he say they had forgotten this?

A. It is impossible for me to recollect at what period he mentioned to me that he did not confine his observations to the note, but he said, he believed the party who brought forward the Inquiry were not aware that such papers were in his possession.

Mr. Thompson. Q. In your first conversation with Captain Sandon upon this subject, did Captain Sandon promise that he would preserve the note; upon the second interview, did he not tell you that he had destroyed the note; and upon a subsequent interview, did he not tell you that it was not destroyed?

A. No; that is not the order of things. Captain Sandon promised me that he would follow the whole of my injunctions; I did not lay any particular stress upon that note, or any note, but told him to preserve all the papers, to speak the truth, and not to prevaricate; it was a general injunction, but nothing specific. With respect to the note, that was the first conversation; the second conversation was of

the same tendency; it was at the third interview, after we left the British Coffee-house, he informed me that he had destroyed the note.

Q. And upon the fourth, he informed you it was still in his possession?

A. More than a week, probably a fortnight, had elapsed before he told me the note was in his possession, because it was on the Saturday after the interview with Mr. Adam, that I learned he had destroyed the note, and I expressed surprise that he had done so. I did not see Captain Sandon, except getting out of a gentleman's carriage, the day of his examination, when I had not further conversation than my expressing that I hoped he had not had any intercourse either with Mr. Lowten or the other party; but nothing passed further on the subject of the papers till the morning of the day that he was committed.

Q. A fortnight after Captain Sandon had said that he had destroyed the note, he informed you that he had not destroyed the note, which was on the day of his examination here?—A. Exactly so.

Q. When you copied the note, was the note in an envelope; was there any cover upon the note, and if so, did you observe the hand-writing of the direction upon that cover?

A. If my recollection is correct, I believe that it was not inclosed in a cover; the direction was something like Farquhar, Esq. I believe George Farquhar, Esq. and the hand-writing appeared to me not to be the same with the contents of the note; it was not written with that freedom and ease which the contents of the note were.

Q. What induced you to copy that note particularly?

A. I was desired by Mr. Adam to do so.

Mr. W. Wynne. Q. You have mentioned the very proper advice which you gave Captain Sandon, to preserve carefully every paper, and not to prevaricate before this House, but to speak nothing but the truth; were you induced to give that advice simply by a consideration of its general propriety, or in consequence of any thing that had passed with Captain Sandon, which made you think that advice particularly necessary?

A. I should state to the House, that I did not consider the advice that I gave to Captain Sandon merely as the advice from one individual to another; I considered that Cap-
tain

tain Sandon came to consult me as his Colonel, officially, on the line of conduct he should pursue; I was not influenced by any other considerations but those of duty, but I gave him that advice which I thought every man of honour, and every officer, ought to follow.

Q. Then the Committee is to understand, that nothing had been said by Captain Sandon which raised in your mind a doubt whether Captain Sandon might not prevaricate and keep back certain papers?

A. No, not even an insinuation on his part.

Q. Upon what day was it that Captain Sandon informed you that he had not destroyed the paper, but had kept it back from this House?—*A.* The day of his commitment.

Q. What steps did you take in consequence of that communication?

A. I thought it my duty to inform Mr. Adam and Mr. Lowten of the circumstance, and Mr. Harrison.

Q. Did you inform those gentlemen of the circumstance?

A. I did.

Q. At what time on that day did you inform those gentlemen of it, and in what manner?

A. It was probably about five o'clock, it was when Mr. Adam came to the House; I met Mr. Harrison coming to the House, and I went up stairs to Mr. Lowten; the communication was made in the course of half an hour to those gentlemen, and probably about five o'clock.

Mr. Adam *Q.* Are you quite certain that I was present at the time you made that communication?

A. To the other two gentlemen? No, I spoke to the three gentlemen separately.

Q. Are you quite certain you made that communication to me?

A. Upon my honour I cannot speak decidedly; I either did, or thought I did, or desired Mr. Harrison to mention it to Mr. Adam; I did not attach any importance to the circumstance at the moment, and it has not attached itself so to my mind as to state it precisely, but if not, I certainly desired Mr. Harrison to mention it to you.

Q. From the time that I conversed with you at the Horse Guards on Monday the 5th of February, have I not avoided all intercourse or communication with you upon the subject of the proceedings on this Inquiry?

B b z

A. So

A. So much so, that Mr. Adam has avoided speaking to me upon matters that did not relate to it.

Mr. C. Wynne. Q. Did you desire Mr. Harrison to communicate this intelligence to any person?

A. I have already stated that I desired him to mention it to Mr. Adam.

[The Witness was directed to withdraw.]

In answer to a question from Mr. Perceval, the witness said that nothing was to be done till the fact of the actual existence of the note was ascertained.

[The Witness was again called in.]

Lord Milton. Q. You did not communicate what you knew concerning this note to Mr. Wardle?

A. I have not had any intercourse, nor have I any knowledge whatever of Mr. Wardle.

Q. Why should you communicate it to one side and not to the other?

A. I have had the honour of knowing Mr. Adam some years, and I conceived I could not go to a more honourable man, nor to a man on whose judgment I had a greater reliance than on Mr. Adam's.

Mr. H. Martin. You have stated, that you were induced to take a copy of the note in question by the advice which had been given to you by Mr. Adam; what induced you to make an application to Mr. Adam upon that subject?

A. I do not recollect making any particular application as to the note; I stated the affair generally to Mr. Adam, without dwelling more upon the note than any other part of the transaction.

Q. Why was there floating in your mind any idea of the necessity of copying this note?

A. It is not a very easy matter at an interval of three weeks to state the ideas that might have occurred to my mind at that moment; perhaps I attached more importance to that paper, because it was the only paper that was said to be the hand-writing of the Duke of York.

Q. You must have had some reasons for consulting with Mr. Adam respecting this paper; state what they were?

A. I can offer no particular reasons; I can assign no other reasons than those I have had the honour already to offer to the House: my opinion of his honour, his integrity, and his

his public character were such, that I thought I could not do a more proper act than to lay the matter before him.

Q. You have stated, that previous to going to the British Coffee-house, you had an interview with the Chancellor of the Exchequer, at what period was that?

A. After I returned to Mr. Adam, and communicated to him that I had seen the note, and read a copy of the note, he said, that the most advisable measure was, for Mr. Percival to be informed of the whole circumstance; that he would give me a letter, and desired that I would immediately go to Downing-street, and communicate the whole to Mr. Percival; which I did immediately, the Saturday morning, the first morning I was in town.

Q. This was previous to your going the first time to the British Coffee-house?—*A.* Previous

Q. Did you at any time tell Mr. Adam, or the Chancellor of the Exchequer, that the note was destroyed; and if so, when?

A. I never had the honour of having any communication, either personally or in writing, with the Chancellor of the Exchequer after the morning alluded to. With respect to Mr. Adam, I really cannot bring the thing home to my recollection, whether I spoke to him personally upon the subject, but I certainly took measures that he might be informed of it, by acquainting Mr. Lowten or Mr. Harrison: it is impossible for me to say precisely how I made the communication; it might have been personally.

Q. Then you never saw the Chancellor of the Exchequer, except prior to your going the first time to the British Coffee-house?

A. I have seen him accidentally, but had no kind of communication with him whatever; I have not had any sort or kind of communication with the Chancellor of the Exchequer since the Saturday morning alluded to

Q. What induced you to seek a communication with the Chancellor of the Exchequer on that occasion?

A. I conveyed Mr. Adam's letter to him, as I have previously stated; I was desired by Mr. Adam to communicate to the Chancellor of the Exchequer all that I knew.

Mr. Adam. *Q.* Do you recollect having come from Croydon to the Horse-Guards on Sunday noon, the 5th of February?

A. I remained in town on the Saturday, and therefore I did not come from Croydon on the Sunday, but I was at the Horse-Guards on Sunday the 5th of February at one o'clock.

Q. Do you recollect having a very short conversation with me at the Horse Guards?

A. I do remember a few words passed only.

A. Do you remember on that occasion, stating to me that Captain Sandon had informed you, the day before, that he had destroyed the note?—*A.* I do

Lord Falkstone. *Q.* When did you first hear of the note in question?

A. The note was stated to me by Captain Sandon to be in his possession, together with other papers, in our first conversation at Portsmouth

Q. State the whole of what passed between Captain Sandon and you upon that occasion?

A. I will not undertake to state accurately or verbatim what passed; I will give the purport of the conversation to the House, to the best of my recollection. Captain Sandon, after reporting his arrival from Plymouth, where he had landed with his troop, said, Undoubtedly I had read the newspapers, and had seen his name mentioned as having had something to do with these transactions; that he wished to consult me as his Colonel, what was the line of conduct he should pursue, and that to enable me to judge of the matter, he would give me all the information he possessed; and that when he came to town he would allow me to look at all the papers that were in his custody. He began by stating, that he met with a Gentleman (he did not name him, nor had I any curiosity to know who he might be) who talked to him on military matters, and who asked him whether he knew officers who might have money, but were without interest to get promotion; he said undoubtedly there might be such persons in the army, but at that moment he could not give any names, but that he would make inquiry; that he afterwards met with a Mr. Donovan, who had served in General Tarleton's legion in the American war, and had been wounded there. Mr. Donovan had been surgeon to the supplementary militia, of which regiment he had been Lieutenant Colonel; that he understood Mr. Donovan was endeavouring to negotiate the sale of commissions, and was, in short,
what

what is called an army broker, and that he considered him a very likely person to be able to point out the description of persons I have before stated. That subsequently to that he met with Colonel French at the house of Major Poole, who is since dead, and who lived in Sloane-street; that upon asking Colonel French his motives for coming to town, having come from the country, he said that he had come up to endeavour to do himself service in the way of recruiting the army. Captain Sandon then related to him what I have previously stated, that a gentleman had promised him very powerful support, and that they had concerted the measure of raising a levy; that he saw a gentleman, and the terms were agreed upon. I do not recollect the specific sums, but I think five hundred pounds was to be paid upon the measure being acceded to on the part of his Royal Highness the Commander in Chief, that this matter went on for some time, and that he had not the remotest idea through what channel the acquiescence to the request had been granted; that the application had been regular and official, and the answers were official. Sometime after this he had an application made to him respecting the promotion of Captain Tonyn. Captain Tonyn was to lodge, I believe, five hundred guineas on being appointed to a Majority. Captain Tonyn had been kept in suspense some time, and was desirous to withdraw his security. I should have previously stated, that he had lodged a security for the payment of that sum; that upon his having made this overture to withdraw this security, Captain Sandon received a note, which is the note in question, to say, that the promotion should not go on. That some time after, upon Captain Tonyn finding he was not likely to gain the Majority, he requested that the thing might go on, and that he would consent to the security remaining where it was; that he then received a second note, to say that the promotion would go on, and mentioning the day it would be gazetted, and then he stated to me that both notes were in his possession; but it is necessary I should add, that Captain Sandon fully explained to me at the moment, that the whole party had been deceived; that they had been led to believe that there was a certain influence by which those objects were to be accomplished, which, ultimately, they found did not exist, and that it was not until considerable sums of money had been paid by him

him through the medium of another person, that he understood that influence was to be procured through the medium of Mrs. Clarke.

[The witness was directed to withdraw.]

LORD FOLKETONE, here addressed the Chairman, and said that he had just received an intimation that Mrs. Clarke was arrived, for the purpose of attending the Committee, and as she had been greatly indisposed, he hoped the Committee would have no objection to examine her immediately, that she might be detained as short a time as possible.

The CHANCELLOR of the EXCHEQUER said, that as a witness was under examination it would be irregular to do it; but in consideration of Mrs. Clarke's indisposition, he should not make any objection to it.

SIR T. TURTON thought there was great irregularity in it, and that the examination of the witness who had just left the bar should be proceeded with. -

The CHANCELLOR of the EXCHEQUER replied, that he had acknowledged there was an irregularity in the proceeding, but under the circumstances of the case he thought that Mrs. Clarke should be examined immediately.

A chair was ordered for Mrs. Clarke, in consequence of her indisposition, and she was ordered to come to the bar.

Mrs. MARY ANNE CLARKE was called in, and examined by the Committee, as follows:

Chancellor of the Exchequer. Q. Have you brought with you the two last notes you received from his Royal Highness?

A. What were mentioned in the summons did not purport to be the last notes. His Royal Highness did not cease corresponding with me after we parted.

Q. The

Q. The notes, supposed to be the last, were that which first notified to you his Royal Highness's intention of separating from you, and the note he wrote immediately afterwards?

A. Does his Royal Highness state those to be the last notes that he sent to me?—I never heard of any others.—I have had many; more than fifty from him since that.

Q. Look at that paper, and state whether you recollect receiving a note to that effect from his Royal Highness (*the copy of a note being shewn to Mrs. Clarke*).

A. May I read this?

Certainly (*Mrs Clarke read the note*).

A. I do not recollect any thing about it; it is very possible I might have received such a letter, and very possibly not. I have been looking over all those letters I have, for those he sent me on that day, and cannot find them. I know he wrote one himself, and the other Mr. Greenwood wrote on that day, but which the Duke copied out, and sent to me.

Q. Was the letter that you did receive in Mr. Greenwood's hand-writing in the same hand-writing as that?

A. It is so long ago I cannot recollect, but it was the longest letter that Mr. Greenwood wrote; it was a short note I had in the morning, and the longest I received in the evening; it was written by Mr. Greenwood; his Royal Highness copied it, and sent it instead of coming to dinner. The letter I received was not in Mr. Greenwood's hand-writing, but I was told Mr. Greenwood wrote it, and his Royal Highness copied it and sent it to me; they were dining together.

Q. You were told Mr. Greenwood wrote it?

A. Yes.

Q. By whom were you told?

A. His Royal Highness's servant told it to my servants. I waited dinner for his Royal Highness after I had seen Mr. Adam till ten o'clock, and sent down several times to Portman-square to know whether he dined with me or not; they said, they fancied he dined with me, as he had ordered no dinner. Between eight or nine o'clock, Mr. Greenwood made his appearance in Portman-

Portman-square, and they sat down to dinner, and after dinner Mr. Greenwood wrote that letter, and His Royal Highness copied it, as I understood. I have mentioned it in several of my letters since to His Royal Highness. I burnt the letter. I saw His Royal Highness afterwards in his own house that same night, but he ran away from me, after Mr. Greenwood had left him.

Q. How long have you recollected that you have burnt that letter?

A. Not till just now. I have burnt many of His Royal Highness's letters, and lost many of his love-letters; those are the only letters that remain.

Q. How long do you recollect that you have burnt that letter?

A. I cannot tell how long. I have recollected it; I have many of his love-letters by me; and when Colonel M'Mahon mentions that I had many letters in my possession that would make much mischief between His Royal Highness the Duke of York and the Prince of Wales, I have none, nor never mentioned that to him.

Q. How long have you recollected that you burned that letter?

A. I cannot tell; I was not certain that I had burnt it till I had looked over my papers. I never kept any thing that was unpleasant.

Q. Did you ever know Mrs. Favery by any other name but that of Favery?

A. I have learned a great deal since last night.

Q. Were you ever acquainted with her when she went under any other name than that of Favery?

A. No; but I have heard that she has made use of my name, and more especially since last night, which has made me very unhappy indeed; and I am afraid Mrs. Favery will be found to have told a great many stories. I did not know that Mr. Ellis was a person that she lived with till she told me after she got home, and I told her yesterday, it would be better to go to Mr. Ellis and tell him what she had done, and then come forward to the House, asking his leave, and undeceive them as to what she had said. A day or two after she had been examined at the House, she told me he was not a carpenter, but that

that he was a clergyman, and that she was afraid of bringing forward his name.

Q. It was not the same day?

A. No; I had no opportunity of speaking to her the same day.

Q. How many days after having heard that she had made this misrepresentation of Mr. Ellis, did you desire her to go and inform Mr. Ellis?

A. She did not tell me what he was till yesterday morning; I then told her to get a hackney-coach and go down and ask the gentleman leave to speak the truth, and when she came back last night, she told me she had been married, which I do not believe; I had heard of it before, but did not then believe it, and I parted with her in consequence at Gloucester-place, after telling His Royal Highness of it.

Q. It was not till yesterday she told you that she had misrepresented Mr. Ellis's situation in life?

A. No, it was not.

Q. What did she tell you, at first, with respect to her evidence?

A. I do not recollect that she told me any thing about it; I spoke to her some time afterwards, and asked her how she could tell stories about my having no company, for I was in the habit of having very large parties every day the Duke dined out; and about having three cooks; I never had three cooks, as I stated before, I only had a cook and his attendant.

Q. When did Mrs. Favery first live with you?

A. Soon after I was married, but she has been in twenty places since.

Q. Did you give Mrs. Favery a character to Mr. Ellis?

A. Either me or my sister did; or some one in the house, I do not recollect which; we came to town for the purpose, some one did.

Q. Were you in the habit of any intimacy with Mrs. Favery at the time she lived with Mr. Ellis.—A. No.

Q. Did you ever call upon her at Mr. Ellis's?

A. I do not recollect that I ever did; I called to fetch her away once when I wanted her, I believe a hackney-coachman fetched her and a young lady.

Q. Did

Q. Did you turn her away in Gloucester-place on account of her having been married?—A. Yes, I did.

Q. How came you to turn her away in consequence of having heard that she had been married?

A. Because I heard the man was a thief, and I had lost some soup plates, and they thought that he had stolen them; he was a man of very bad character, and I heard there were a great many stories; and the Duke said it was better that she should go, and proper.

Q. How long was it after you turned her away that you took her into your service again?

A. A year and a half full, I did not take her again till I wanted her very much.

Q. Has she only lived with you once since?

A. No, only once since this time.

Q. How long has she lived with you now?

A. Yes, I believe that Mrs. Nicholls and she had a fight at Hampstead, and I parted with her then, I did not recollect that; and I found Mrs. Nicholls was just as bad as Mrs. Favery, and I took her afterwards; I found that there was no difference between the two, and Mrs. Favery is necessary to me; she knows all my affairs, and I believe she keeps my secrets; I have believed so till now, but now I am afraid not.

Q. How often, in the whole, has Mrs. Favery been in your service?

A. Indeed I cannot tell, a great many times backwards and forwards, because I had given her several characters; I never found her dishonest, and I have always given her a character to that effect, she lived eight or nine months in a family where she cooked for sixteen or seventeen, and they gave her a very good character back into another family.

Q. Did Mrs. Favery tell you the name of her husband?

A. O yes, I have heard of the man a hundred times; and have seen his wife, he is a married man. I saw his wife once when His Royal Highness was there; a very vulgar woman came one day when I was at dinner, and said that I encouraged my maid servant in seducing a married man, and that she was his real wife; I told her the woman was not in the house, that she had been discharged,

charged, which was the truth; and His Royal Highness ordered the servants to take her to some prison, which they did, and she was there two or three days for her bad behaviour.

Q. You are sure you only went to Mrs. Favery once when she lived with Mr. Ellis.—A. Yes.

Q. And that was in a hackney-coach you are sure?

A. Yes, I am.

[On the motion of Mr. C. ADAMS, the following Question and Answer, in page 108 of the Minutes, being read to the witness:]

“ Q. Did you ever receive a list of names for
“ promotion from any other person than Captain
“ Huxley, Sandon and Mr. Donovan?

“ A. I never received such a long list from any
“ one, nor such a list; I never received more than
“ two or three names; this I had for two or three
“ days; it was pinned up at the head of my bed,
“ and His Royal Highness took it down.”

Mr. C. Adams. Q. Do you abide by that account?

A. Yes, I do; I never attended to any other; I do not know what others may have been given me.

Q. How long was that list so pinned up?

A. The second morning His Royal Highness took it down, drew up the curtain and read it; and afterwards I saw it when he was pulling out his pocket-book some time afterwards, when one or two promotions had taken place, with his pen scratched through those names when he took out his pocket-book to look at some other papers. I only made this remark, as I have heard a gentleman on my right hand say, that I had picked his pocket.

Q. Did this list remain up one whole day, or was it taken down the next morning?

A. No, it remained there, I believe.

Q. Was this list seen by any other person besides yourself and His Royal Highness?

A. I suppose the maids that made the bed; but per-

haps they could not read, or did not understand it; I do not know.

Q. You are quite sure His Royal Highness read it?

A. I am quite sure, he read it in my presence, drew up the curtain, and afterwards came to me and made the remark, that he would do every one by degrees, or make them, or to that effect.

Q. Do you know that Mrs. Favery ever saw this paper?

A. I am sure I do not know, if she did, she knew nothing about it.

Attorney General. Q. Did you ever live with Mr. Ogilvy?

A. No, I never lived with any man but the Duke of York.

Q. Did Mr. Ogilvy ever live with you?

A. No, never; General Clavering called on Mr. William Ogilvy a few days ago, and asked him whether he would come down here and speak against my character; that he was instigated to ask him by Mr. Lowten.

Q. Are you acquainted with Mr. Ogilvy?

A. Very well, both of them.

Q. How long ago have you been acquainted with Mr. Ogilvy?—A. I cannot recollect.

Q. About how many years?

A. I cannot recollect at all.

Q. Two years?—A. Yes, certainly two years.

Q. Four years?—A. I do not know; yes, four years.

Q. Six years?—A. No.

Q. Have you not known Mr. Ogilvy six years?

A. No.

Q. You did not know him six years ago?

A. I do not think I did.

Q. How long did you know Mr. Ogilvy before you lived with the Duke of York?

A. Only a few months.

Q. Did you know Mr. Ogilvy before he was embarrassed in his circumstances?—A. No, I did not.

Q. Before he failed?

A. He was just failing, and his books were made up as I knew him.

Q. Was any thing owing from Mr. Ogilvy to you at the time of his failure?—A. No, nothing at all.

Q. Were

Q. Were you examined as a witness in Mr. Ogilvy's bankruptcy?

A. Yes, I was; but I was living with the Duke of York at the time, though unknown to the world; there is a pamphlet going about now, but it is not true.

Mr. Whitbread. Q. Since the date of your separation from the Duke of York, have you frequently had letters from his Royal Highness?—A. Yes, I have.

Q. Can you, by any one letter, substantiate that fact?

A. Yes, I can; but they are not civil ones since I left him.

Q. Produce some one letter to substantiate that fact.

A. I believe that I may have a little note or so, for they always consisted of short notes in answer to some request of mine in some letter. I have brought down envelopes, to shew that the note I have seen here is in the same sort of character as the notes I have; here are eight or ten in my hand. I have many notes I could shew since his Royal Highness and I have parted.

Q. Subsequent to the date of the separation?

A. Yes.

Q. Are they dated?

A. I believe some of them are, and perhaps there is one or two among these.

Q. Are either of those notes signed?

A. His Royal Highness never signs any thing unless it is necessary; here is his name to one of the notes; it was merely for his box at the play; they are all his writing; I have taken the insides out.

Q. Is that which is signed, subsequent to the separation?—A. No.

Q. Put in some one or more notes, as you shall think fit to select from those you have, for the purpose of substantiating that fact?

A. Here [*three letters*] are something I have picked out which I thought to be like the hand I saw here the other night; I should wish to deliver them in, because I know they are exactly like what I have seen here.

Q. Are those you have here subsequent to your separation from the Duke of York?

A. No, they are not; unless one of them is.

Q. Put in some one or more notes subsequent to the date of the separation?

A. A gentleman asked me for a seal or two when I was here the other night; I should wish to put them in, because the story of a forgery going about is extremely unpleasant.

Q. Are those papers in the hand of the clerk, the only ones you wish to put in?

A. It is not the only one I wish to put in; I have many at home, but the inside of that is what his Royal Highness has written to me since.

Q. Look at the outside and inside for the purpose of saying whether it is his Royal Highness's hand-writing?

A. They both are; I have dates to some at home.

Q. Do you wish to put in any more papers?

A. Yes, I wish to put in all these I have here. Here is another since his Royal Highness parted from me.

Q. Do you mean to assert, that that first note you have sent to the table, was written to you after your separation?

A. Yes, I do not say for the outside, because they are confused; but certainly the inside was, as the language will shew.

Q. Put in such papers as you have now with you, which you are desirous of putting in?

A. I wish to put in all these [*delivering in several letters.*]

Q. Have you sufficiently examined all the papers you have put in, to be able to state that they are all the Duke of York's hand-writing?—A. Yes, I have.

Q. Can you discriminate such as were written before, and such as were written after your separation from the Duke of York?

A. Yes, they are only mere envelopes, to shew the hand-writing as nearly as I could guess, what I saw here the other day; and this is since the separation.

Q. Will you look at that, and say whether it was written before or after the separation?

A. This was written by the Duke of York some time after, when he sent me the two hundred pounds to go out of town after the separation,

Q. Is

Q. Is the note which you have just now put in, and which you have just seen, dated?

A. No, it is not

Q. Will you produce some of those notes with dates, which you say you have in your possession, which were written subsequent?—A. I will do so.

[Two notes, directed, "George Fairclough, Esquire," were read]

(No 1)

"I do not know what you mean, I have never authorized any
"body to plague or disturb you, and therefore you may be
"perfectly at your ease on my account"

(No 2)

"Inclosed I send you the money which you wished to have for
your journey"

"Inclosed, my Darling receives the note, as well as the money,
"which she should have had some days ago"

"My Darling shall have the ticket for the box the moment I go
"home God bless you"

Mr. Thompson Q. Was it customary with the Duke of York to mix, in what you call love letters, any thing relative to military or ecclesiastical promotions?

A. I hardly know how to answer that question

Q. Have you not stated that you had several letters, which you call love letters, from the Duke of York, in your possession at present?

A. Yes, I have, and some of my friends have.

Q. Is there any thing in any of those letters relative to military or ecclesiastical promotions?—A. No

Mr. Lockhart. Q. Has any person been present when you looked over your papers relative to the subject of this inquiry?—A. No, not over his letters

Q. Has any person assisted you in looking over any other papers relative to this inquiry?

A. I have never let any one look over any papers.

Mr. Herbert Q. Did you, when you lived in Gloucester-place, always pay your bills yourself, or did you
C c 3 sometimes

sometimes pay them through the medium of your housekeeper?

A Sometimes myself, sometimes my housekeeper; but the common tradesmen, such as butchers and bakers, I never paid myself

Q Who was that housekeeper?—A. Mrs. Favery

Q Did Mrs. Favery ever represent to you that the creditors were so clamorous that she (Mrs. Favery) was accused of having most likely secreted the money by not paying it?

A Yes, but then I never minded what she said

Q Did Mrs. Favery represent the absolute necessity of the Duke of York's supplying you with money to pacify the creditors?

A Yes, of course, if she was teased by people she teased me

Q Did this often happen?—A She is the best judge.

Q Were not the creditors often paid in consequence?

A Yes, if they were very clamorous

Q. Were not those sums to a very considerable amount?

A. I do not know what is called considerable

Q. Were they to the amount of one thousand pounds?

A She would speak of different tradesmen teasing for their bills, I do not know to what amount

Q Do you not know that bills were often paid, and to a large amount, in consequence of your applications to the Duke of York upon the representations of Mrs. Favery?

A No, he never paid a bill for me on its being so represented, and I never had credit with any of his people, nor never got money on his account.

[Several letters were returned to Mrs. Clarke, then insertion on the minutes not being considered material]

Sir T. Turton Q. Do you recollect that, in the presence of Miss Taylor, the Duke of York and yourself ever talked of military promotions?

A. I am sure I cannot say, his Royal Highness did not

not mind what he said before Miss Taylor, he was very fond of her.

Mr. Lockhart. Q. The witness says that several of the Duke of York's letters are in her own possession, and in the possession of several of her friends, I wish her to name those friends in whose possession those letters are?

[The witness was directed to withdraw.]

LORD FOLKSTONE desired to know by what right or title the learned Gentleman was authorised to inquire where all the letters, which Mrs. Clarke stated herself to have received, were to be found?

Mr. LOCKHART observed, that the noble Lord seemed to forget that this was a Committee of Inquiry, and that it was competent to demand any documents which might be necessary either to the conviction or acquittal of the illustrious person, against whom the charges under investigation had been brought. The witness had no right, therefore, to withhold any letters which might conduce to elucidate the subject of inquiry. If the Committee, however, should be of a different opinion he should not press the question, though upon the broad principle he was convinced it was a proper one to be put.

LORD FOLKSTONE contended that the argument of the learned Gentleman went too far; because it would go to the extent that the witness was bound to produce all her papers, in order to give the learned Gentleman an opportunity to look them over, and judge which were applicable to the question under consideration. Any papers that the Committee would be authorised to demand, ought to be defined; and the learned Gentleman beneath the learned Member would inform him, that it was not in the practice of any court of justice to order a party to produce all his papers, with a view that the court should decide, on examination of them, which were relevant to the matter in issue.

Mr. BATHURST felt, that the noble Lord seemed

to have mistaken the object of the learned Gentleman's question. They were not Mrs. Clarke's letters which he wished to have produced, but the letters of the Royal Person, in the investigation of the charges against whom, the Committee was engaged. If the noble Lord, or the honourable Member who brought forward the charges, had put the question of the learned Gentleman, he was convinced that no objection would have been made to it. The Committee was a Court of Inquiry, and it was certainly competent to any honourable Member to call for any papers which might aid the investigation. On the whole, therefore, he thought that the letters of his Royal Highness ought to be produced, though if the learned Gentleman could take upon him to say, that they would not bear upon the subject, it would not be desirable to add them to the minutes.

Mr. CHARLES ADAMS thought the question a fit one to be put, but that it would be optional with the witness to answer it.

The CHANCELLOR of the EXCHEQUER agreed with his right honourable Friend *, that if any honourable Member thought one letter would throw light upon the subject, he might call for its production; and if no objection could be made to the production of one, none could be made to the production of all, if called for. If the noble Lord had moved for the letters, no objection would have been made to his motion; and what right had the noble Lord to suppose the motive of the learned Gentleman in calling for them different from that which would have actuated himself? He agreed, however, that it would not be desirable to place the letters upon the minutes, already swelled to an inconvenient bulk, unless they should bear upon the

Mr. Bathurst.

subject

subject of inquiry. Upon this ground, he would submit it to the learned Gentleman to withdraw his question; but if he was disposed to insist upon it, he saw no reason in which the Committee could reject it.

Mr. BATHURST stated, that the witness had already declared in evidence, that in no one of the love letters was there any mention of military or ecclesiastical preferments.

Mr. LOCKHART regretted that the object of his question had been misunderstood. It was not his wish to have all, or any of the letters produced. It would be recollected that the witness had been assisted in preparing the papers for this investigation; and the object of his question was, to discover in whose hands the letters were, with a view to come at some information respecting the person who assisted her, and the nature and circumstances of that assistance. He should therefore press his question.

Mr. MARRYAT thought the witness had said, that all the love letters were either in her own or her mother's possession.

Mr. ROSE concurred, that as the witness had stated the letters not to contain any thing relating to military promotions or ecclesiastical preferments, their production was unnecessary; otherwise he should have made no objection to the question.

Mr. WHITBREAD wished the learned Gentleman, to withdraw his question. As to the object stated by the learned Gentleman, for which he had put his question, namely, to discover who had assisted the witness in preparing the papers for the Committee, he should only observe, that, if it was the case, it would be quite natural, that the person, conducting this investigation should have looked over the papers which might bear upon it. He had stated this only to shew that the Committee did not acquiesce

in the inferences to be drawn from the learned Member's statement of his object, that blame was imputable any where.

Mr. LOCKHART then withdrew his question.

Colonel DIGBY HAMILTON was again called in, and examined by the Committee, as follows:

Lord Folkestone. Q. Did Captain Sandon state to you, that he had ever received any sum of money from Major Topham?—A. No.

Q. Did he state to you from whom he received the note?

A. To the best of my recollection, he stated, that he had received the note from Mrs. Clarke, or that it had been conveyed to him from Mrs. Clarke.

Q. When did you see that note?

A. On the Saturday after I had my first communication with Mr. Adam.

Q. Was that note wrapped up in a piece of paper, or accompanied with a piece of paper with another similar direction upon it?

A. I do not recollect whether it was wrapped up in a piece of paper, but Captain Sandon shewed me part of the cover of a letter which had the Dover post-mark upon it, and requested I would look at the similarity of the address of that letter with the note in question.

Q. When you were informed that this note was not destroyed, are you now certain whether you informed Mr. Adam or not?

A. I can only repeat the reply I made to that question before; my mind was impressed with the idea that I had informed Mr. Adam, or taken effectual measures that he should be informed of the circumstance.

Q. Are you certain that you informed Mr. Harrison?

A. Yes.

Q. Why did you inform Mr. Harrison?

A. Knowing that Mr. Harrison was employed on the part of His Royal Highness.

Q. How did you know that Mr. Harrison was so employed?

A. From my having been frequently in the room when
Mr.

Mr. Harrison came into it, where Mr. Lowten does his business, in consequence of my being ordered to be in attendance upon the House.

Q. From whom did you learn that Mr. Harrison was employed as the agent of the Duke of York?

A. From no particular person, but it was impossible to be in that room and not to observe that Mr. Harrison was so employed.

Q. Did you understand that Mr. Lowten was the agent of the Duke of York?—A. Clearly.

Q. How did you learn that?

A. From observing what passed in the room where Mr. Lowten sat.

Q. Were you referred by any one to Mr. Lowten?

A. I received a note from Lieutenant-Colonel Gordon, desiring my attendance upon this House, and that I was to call upon Mr. Lowten, whom I should find upon making inquiry here; I received a note at Croydon Barracks which induced my attendance.

Q. When Captain Sandon shewed you the piece of paper with the Dover post-mark upon it, did he state to you how that piece of paper came into his possession?

A. I do not recollect that he did, it was merely to impress my mind that the letter and the note were directed in the same hand-writing, I do not recollect any other conversation having passed.

Q. How long have you been acquainted with Captain Sandon?

A. I have known Captain Sandon since the year 1794, but Captain Sandon has never been my acquaintance, I have known him in my military situation only; he served on the Continent at the same period I did, but without having any intercourse, merely knowing him as Captain Sandon; we did not serve in the same corps.

Q. Had you much intercourse with him in the years 1804 and 1805?

A. None whatever but what was strictly official.

Mr. Shaw Le Fevre. Q. Did Captain Sandon manifest any reluctance in allowing you to take a copy of the note?

A. None whatever, it was done with his perfect concurrence.

Q. After

Q. After he had stated to you that he had destroyed the note, did he say any thing to you respecting the copy you had taken?

A. He never alluded to it.

Mr. Bathurst. Q. Did Captain Sandon shew you the other note to which you have referred?

A. Upon producing the note in question, I brought to his recollection that he said there were two notes in the conversation which took place at Portsmouth; upon which he replied, that he must either have been mistaken, or if there had been a second note, he must have given it to Major Tonyn, to convince him that the promotion was to go on.

Q. Did Captain Sandon explain to you what the contents of that note were, and by whom it appeared to be written?

A. It will appear in the former part of my testimony, that I stated to the House, that the second note was to convince Major Tonyn that the promotion would take place, but he never stated to me that either of the notes were written by the Duke of York, or by whom they were written.

Q. Why then did Captain Sandon compare the first note with the envelope of the letter?

A. I have already stated, that he produced the envelope of the letter to convince me that the hand-writing of the note and the letter were by the same person; he assigned no other reason for producing the part of the envelope; it was not entire, there might be half of it.

Q. For what purpose did you understand he wished to prove the two papers were of the same hand-writing, unless he pointed out some person whose hand he pretended it to be?

A. I must state most unequivocally; that Captain Sandon did not point out the hand-writing to be the hand-writing of any particular person, all that he wished to convince me was, that the two papers had been written by the same person, without any comment or observation beyond what I have stated to the House.

Q. Were no comments made upon the post-mark from Dover?

A. He merely stated, you will see that has the Dover post-mark upon it.

Q At

Q. At what period of your conversation with Captain Sandon, was it that you observed to him, if you did, that you thought the note appeared to be written by the Commander in Chief ?

A. I have never stated that I had made such a declaration to Captain Sandon, because no such observation was ever made to me by Captain Sandon.

Q. Did Captain Sandon state from whom it was that he received the second note ?

A. I have already stated, to the best of my recollection, that he did not state precisely how they came into his possession, but I understood he received them from Mrs. Clarke personally, or through some other means from her ; I did not enter into those particulars with him.

Q. Both notes ? *A.* Both notes.

Q. Have not you already stated that Captain Sandon appeared to think the note, of which you took a copy, was a note of some importance ?

A. It is impossible I could have stated any thing of the kind, because I have never stated Captain Sandon's opinions on the subject at all.

Lord Milton. *Q.* When you communicated to Mr. Adam what you knew concerning this note, did you do it with an intention or expectation of its being made known to this House ?

A. I stated the circumstances as I have related them to the House, to Mr. Adam, with a view of having his opinion, and that his judgment should be exercised upon the subject rather than my own ; I had not come to any precise decision in my own mind how I was to act, and therefore I thought I could not conduct myself with greater propriety than to consult Mr. Adam what line of conduct I should pursue.

Q. Am I right in my apprehension, that you have stated that you considered this note of importance to the Inquiry that was going on ?

A. I have already stated to the House, that when I saw the note I believed it to be, according to the best of my judgment, the hand-writing of the Duke of York, and therefore it was impossible that I should not attach very great importance to the note.

A. After your communication with the Chancellor of the Exchequer, did you know that it was the Chancellor of the Exchequer's intention not to produce this note to the House for some days ?

A. I had no knowledge whatever of the intentions of the Chancellor of the Exchequer upon the business.

Mr. Thompson. Q. I think you have stated that Captain Sandon said that the usual channel of promotion had failed, or that he and others had been deceived with regard to the influence which he expected to be exerted, but that another channel of promotion was opened, but at a considerable expence ; do you know any thing of the new channel of promotion to which Captain Sandon alluded ?

A. I believe that if a reference is made to my statement, nothing of the sort will appear ; I believe I have stated to this Honourable House, that Captain Sandon informed me that after considerable sums of money advanced by him for objects of promotion, they ultimately found the influence supposed to exist on the part of Mrs. Clarke, did not exist, and that it failed on the proof of trial ; and that he never alluded to any new source or channel of promotion whatever.

Q. What other person was alluded to, in your opinion, when Captain Sandon mentioned that ?

A. Captain Sandon had alluded to the original person, but I have already stated to the House, that my curiosity was not excited to know who that person was, and he never informed me who was the intermediate person who received the money, and transacted the business.

Mr. Lockhart. Q. Did Captain Sandon mention to you his intention of destroying the note ?

A. On the contrary Captain Sandon promised me that he would preserve all the papers, and that he would follow the whole of the injunctions I had laid upon him.

Q. Did he ever mention to you he had destroyed it ?

A. I have already stated to the House, that in a conversation that took place between Captain Sandon and myself upon our leaving the British Coffee-house, he did state that he had destroyed the note, and that I exclaimed God God ! you have done extremely wrong.

Q. Did

Q. Did he mention to you what motive he had for destroying it?

A. Captain Sandon has never mentioned to me any motive which can have actuated any part of his conduct.

Q. Did he ever mention that the concealment of the note would be a benefit to any person?—*A.* Never.

Q. Did he ever mention that the production of it would be a prejudice to any person?

A. Certainly not.

[The witness was directed to withdraw.]

WILLIAM HARRISON, Esq. was called in, and examined by The Committee, as follows:

Lord Folkstone. *Q.* Are you Agent, or Counsel, to the Duke of York in this business?

A. Certainly not Agent, nor can I call myself Counsel.

Q. Are you employed by the Duke of York in any way?

A. I was desired in a very early stage of this business to assist in any way in which I could assist in advice or otherwise, but I did not understand that any Counsel could appear for the Duke of York, or that I was employed in that capacity. I am consulted by three of the Military Offices, the Office of His Royal Highness the Commander in Chief, the War Office, and the Barrack Office, upon Military subjects in which it is necessary to consult a professional Gentleman, and was I believe, called upon to assist in consequence of the knowledge that it was supposed I possessed of military subjects, as connected with legal consideration.

Q. Was it in consequence of so being called upon, that you have attended constantly the proceedings of this House upon this business?—*A.* Certainly.

Q. When did Colonel Hamilton inform you that the note purporting to be written by the Duke of York, and supposed to be destroyed, was not destroyed?

A. It was between four and five, I believe towards five o'clock on the evening of the day on which Captain Sandon was called in and committed. I met Colonel Hamil-

ton in Parliament-street, I believe I was walking at that time with the Solicitor General; he took me aside and told me, that he had just heard, or heard that morning, I do not recollect which he said, that the note was not destroyed, but was still in existence.

Q Did you take any steps in consequence of that information?

A. I very shortly afterwards, almost immediately (I cannot recollect whether I went a little further on) came back to the House. The Committee I believe was sitting when I came in, and I informed, I believe Mr. Huskisson but I am not quite certain whether it was Mr. Huskisson or another Gentleman who was just coming into the House, that I had just received this information?

Q. Were you present in the House after giving that information at the proceeding on that night?—*A*. I was.

Q. Was this information given before the statement made by the Chancellor of the Exchequer?

A. Certainly.

[The Witness was directed to withdraw.]

WILLIAM HUSKISSON, Esq. attending in his place, was examined by The Committee, as follows:

Lord Folkstone. *Q*. Did you receive the information with respect to the note from Mr. Harrison?

A. I did.

Q. What did you do in consequence?

A. I received that information I believe a very short time before my Right Honourable Friend rose in his place to make a statement to this committee of what he had heard from Colonel Hamilton on the subject of this note: I stated to him, I am told by Mr. Harrison that he has heard from Colonel Hamilton that the note is not destroyed; and I believe I added, I think it can make no difference whether it is, or is not in the statement you have to make: and in the examination of Captain Sandon I certainly stated to my Right Honourable Friend, that I had received this information from Mr. Harrison who told me he had received it from Colonel Hamilton.

Q. Had

Q. Had you heard of this note before that ?

A. I had been informed by my Right Honourable Friend, in confidence, of the account Colonel Hamilton had given of this transaction and of its intentions, as I believe other Members were informed to make the statement to the House.

[The Right Honourable SPENCER PERCEVAL, (Chancellor of the Exchequer), attending in his place, was examined by the Committee, as follows :

Lord Folkstone. Q. Would you wish to correct or alter any part of the evidence you gave on Monday relative to this transaction ?

A. I do not recollect any part of the evidence I gave on Monday that I would wish to correct or alter ; if the Noble Lord, in consequence of the information he has now collected, would wish to ask any other question, I will give an answer.

Q. When you made the statement to this Committee, of the destruction of this note, had you heard that the note was not destroyed ?

A. When I made the statement to the Committee, I had received such a communication as my Honourable Friend has just mentioned, and I did in the statement that I made to the Committee, if my recollection does not extremely fail me, state that I did by no means know whether the note was destroyed or not, and that statement I certainly did make in consequence of the information I had but recently received, for except from that recent information, I had strongly impressed upon my mind that the note was destroyed.

Q. State who the persons were to whom you had given information respecting this note ?

A. I can state several, but I cannot undertake to be certain that I can state them all ; I communicated it to the Solicitor General, to the Attorney General, to my Lord Castlereagh, to Mr. Canning, and I think I mentioned it to Mr. Yorke, and I am pretty confident that I mentioned it to others ; I mentioned it likewise to the Lord Chancellor, I mentioned it to my Lord Liverpool,
D d 3
and

and I mentioned it to Mr. Huskisson, and Mr. Long, and they concurred in the opinion that Mr. Adam should communicate it to some friends of his on the other side of the House; and I believe that to every one of the Gentlemen whose names I have mentioned, I did state at the same time my opinion, that from the first moment that I heard of the existence of this note, I felt it to be my clear duty not to be the depository of such a secret; that I formed that opinion upon the first day that it was communicated to me, before I understood it to be destroyed, and that as soon as I did know that it was destroyed, which was the next day, I then communicated it to the persons I have mentioned, but I believe no person did know of the existence of the note till I heard it was destroyed, except I believe the Lord Chancellor, when I had reason to believe it was in existence. Before I heard that it had been destroyed, I determined to communicate the fact, so that the note if it was not destroyed, - should be extracted by the evidence at the bar: and when I heard that it was destroyed, I still continued to act upon that determination, and made that determination known. In the examination that I made of the witness (Sandon) at the Bar, I had in my mind the whole time of that examination, the various points of fact which the witness had communicated to Colonel Hamilton, and if the witness had not at last confessed that the note was not destroyed, I should unquestionably have asked him, whether he had not communicated to Colonel Hamilton, that very morning, that it was not destroyed.

Mr. HUSKISSON explained, that when he said that the communication he made to his Right Hon. friend, ought to make no difference in his statement, he meant that should make no alteration in his determination.

The SOLICITOR GENERAL thought it due in justice to his Right Hon. friend, to remark, that the matter had been communicated to him, and that his Right Hon. friend had uniformly stated his determination whether the note was a forgery or not to make the circumstance public.

Mr. Secretary

Mr. Secretary CANNING also stated, that the matter had been communicated to him by his Right Hon. Friend, who, to relieve his conscience from the charge, took the earliest opportunity of making the communication.

WILLIAM ADAM, Esq. attending in his place,
was *Examined by the Committee* as follows.

Lord Folkstone. Q. Did you receive from Colonel Hamilton, or Mr. Harrison, any information that this note was not destroyed?

A. I certainly received no information from Colonel Hamilton that this note was not destroyed: I cannot take upon myself to recollect, whether I received the information that it was not destroyed from Mr. Harrison or Mr. Huskisson, but much about the same time that Mr. Huskisson has stated himself to have received that information, I became possessed of that fact. I wish to state, that the circumstances which have been stated by Mr. Perceval respecting the determination to communicate, from the first moment of our intercourse upon that subject, was my determination as well as his. I wish further to state, that as soon after the note was reported to me to have been destroyed as I could possibly make the communication, I made the communication to the Gentlemen whom I mentioned before, Lord Henry Petty, General Fitzpatrick, Mr. Whitbread; I wish to add, that I mentioned it to those Gentlemen, as Mr. Whitbread stated, on the Monday preceding Captain Sandon's first examination, and that on the day preceding his second examination, I mentioned it to my learned friend Sir Arthur Piggott, and to my learned friend Mr. Leach.

Rev. JOHN JOSEPH ELLIS, was called in, and
Examined by the Committee, as follows:

Chancellor of the Exchequer. Q. You are a Clergyman?

A. I am.

Q. In what situation of life are you?

A. One of the Masters of Merchant Taylors School.

Q. Do you know a person of the name of Favery ; Mrs. Favery ?

A. Not by that name.

Q. By what name do you know a person, who has presented herself at this bar as Mrs. Favery ?

A. Elizabeth Farquhar.

Q. Did she live in your service ? A. Yes.

Q. To whom did you apply for the character of Mrs. Farquhar, before she came into your service ?

A. To Mrs. Clarke.

Q. Mrs. Clarke, who has been examined here this evening ? A. Yes.

Q. Where did Mrs. Clarke live at the time you applied for Mrs. Farquhar's character ?

A. In Golden-lane.

Q. Do you recollect the year in which Mrs. Farquhar came into your service ?

A. It was in the beginning of July, in the year 1800, and with the exception of three months, she lived in my family two years.

Q. You were not at that time a Carpenter ?

A. By no means, I was not.

Q. Did you apply to Mrs. Clarke for the character of this servant ? A. I did.

Q. Can you recollect what name you represented to Mrs. Clarke, the servant stated to belong to her ?

A. Elizabeth Farquhar.

Q. Are you certain that you asked Mr Clarke for the character of a servant who called herself Elizabeth Farquhar ? A. Certainly.

Q. Did you ever know of Mrs. Clarke calling upon Mrs. Farquhar while she continued in your service ?

A. Yes, repeatedly.

Q. Did Mrs. Clarke come in a carriage or on foot to see Mrs. Farquhar ?

A. I rather think on foot, I never observed a carriage.

Q. Did she stay any time with her when she came there ?

A. Some times half an hour, sometimes an hour.

Q. You

Q. You say frequently, can you say whether it was eight or ten times in the period of her living with you?

A. I should think full that.

Q. Did she come to visit Mrs. Farquhar as an acquaintance, or for what purpose did she come?

A. Her visits appeared to me to be very familiar, principally in the morning.

Q. Did you understand whether there was any relationship between Mrs. Clarke and Mrs. Farquhar?

A. From the familiarity that subsisted between them, I surmised as much.

Q. Did you live in the same place during the time Mrs. Farquhar lived with you, or did you change your residence?

A. I have lived in my present residence fourteen years.

Q. Then during the whole time Mrs. Farquhar was living with you your town residence was constantly where it is now.

A. Where it is now.

Q. Had you occasion while she lived with you to take your family to the sea side for their health?

A. Only once while she lived with me.

Q. Did you go with your family upon that occasion?

A. I did.

Q. Did you leave your family there, or come back with them?

A. I went with them and returned with them.

Q. You stopped with them the whole time?

A. Yes, and returned with them.

Q. Was Mrs. Farquhar with you during the whole time?

A. She was with me during the whole time.

Q. Had you any reason to know from Mrs. Farquhar whether she was a married or a single woman, at the time she lived with you?

A. I considered her a single woman, and had no reason to suppose the contrary.

Q. Had you any reason to know from her whether she had a mother living at the time?

A. I know she had a mother living, because she left my service after she had been in my family a twelve-month,
for

for the space of three months, to nurse her mother, who was reported to be very ill.

Q. Had you any means of knowing where her mother lived at the time Mrs. Farquhar was in your family ?

A. I know it was somewhere about Tavistock-place, but where I did not ascertain.

Q. From whom did you learn that ?

A. From Elizabeth Farquhar herself.

Q. That she lived near Tavistock-place ?

A. Somewhere in that neighbourhood.

Q. Have you seen Mrs. Farquhar lately ?

A. I saw her last night.

Q. What occasion had you for seeing her last night ?

A. She called upon me, and requested particularly to see me, and the motive of her visit was, that she felt herself extremely ashamed, and much hurt that she had mentioned my name in a manner that she had done ; and further to say that she did not know how to appear before this Honourable House this evening, because you would not give her any credit for what she might state hereafter. I would further add, that she observed it was from motives of delicacy she withheld my name and my place of residence, and being taken by surprise.

Q. Delicacy to whom ?

A. Delicacy to my family.

Q. Did she say it was out of delicacy to your family she mentioned you to be a Carpenter ?

A. She stated that she felt particularly ashamed that she had stated what she had relative to my profession.

Q. Did you learn from her that she knew you had been summoned to be a Witness at this House ?

A. She knew it from reading the paper yesterday.

Q. Did she inform you that she knew it ?

A. Yes, she did.

Q. What did your family consist of at the time you went to the sea-side ?

A. At that time my family consisted of three children.

Q. Was your Wife alive ? A. Yes.

Q. She went with you ?

A. Yes, she went with me.

Mr. C. Adams. Were you ever present at any of the visits

sits you described to have happened between Mrs. Clarke and Mrs. Farquhar? *A.* Never.

Q. How then does it happen that you know that great familiarity passed between them?

A. Though I have not been present in the room with them, I have seen them meet together at my door, and they have addressed each other with great familiarity.

Lord Folkstone. Have you seen that Mrs. Clarke lately?

A. This evening in the Lobby; but not to speak to her.

Q. This is the same Mrs. Clarke who used to visit this Mrs. Farquhar?

A. The very same.

Q. Has Mrs. Farquhar been in your family at any period since that time?

A. Not since she left my service in the month of May 1802.

Chancellor of the Exchequer. In what situation in your family did Mrs. Farquhar live?

A. As Nursery-maid.

Q. Have you seen Mrs. Farquhar here?

A. I saw her pass through the Lobby this evening; but not to speak to her.

[Mrs. Favery was called in.]

Mr. Ellis. This is Mrs. Farquhar.

Mrs. FAVERY was examined by the Committee, as follows:

Q. Is that the Mr. Ellis whom you represented as a Carpenter the other night?

A. Yes, it is; I had no other motive in disguising Mr. Ellis than my respect for the family, to bring a gentleman from the pulpit to the bar.

Q. What is your name?

A. My name is Favery.

Q. How long have you been called by the name of Favery? *A.* Always.

Q. Have you not been called by any other name?

A. I took her name by Mrs. Clarke's permission; I asked her if I might, and she said yes, I might take that name

name if I pleased ; that I might get more respect shewn me.

Q. When was that ?

A. Some years ago.

Q. How long ago ?

A. Ten years ago ; it is between six and seven years ago since I lived with Mr. Ellis.

Q. How long have you been acquainted with Mrs. Clarke ?

A. Ever since she was married.

Q. How long is that ?

A. It is twelve or thirteen years ago ; I cannot exactly say.

Q. Were you in Mrs. Clarke's service when you desired you might take her name ?

A. Yes, I was.

Q. And that you might gain more respect, she told you to take her family name when you were living in her service ? A. Yes.

Q. Had you ever taken that name before ? A. No.

Q. What name did you go by before.

A. Always my own name.

Q. What was that name ? A. Favery.

Q. How long is it that you have dropped the name of Farquhar, and taken to the more ordinary name of Favery ?

A. I am not obligèd to answer those questions : I did not come here on that account.

[The Chairman directed the Witness to answer the question.]

Q. How long is it that you have dropped the name of Farquhar, and taken to the more ordinary name of Favery ?

A. I might take it if I pleased ; I was not forced to take Mrs. Clarke's name ; she told me I might if I pleased, and I did it.

Q. When did you drop the name of Farquhar, and take again the name of Favery ?

A. When I went back to Gloucester-place.

Q. Was that that you might have more respect from the name of Favery, or out of delicacy to Mrs. Clarke's family ?

A. More to Mrs. Clarke's family than to myself.

Q. I

Q. I think you just told me, that in Mrs. Clarke's family it was, that for the sake of having more respect you dropped the name of Favery, and took the name of Farquhar?

A. That was to go to Mr. Ellis's; it was when I went there; and when I went back to Mrs. Clarke, I told you my name was Favery.

Q. Was it not to disguise from the family of Mrs. Clarke that your name was Farquhar, that you took the name of Favery?

A. No, I had no cause to disguise myself in any point whatever; I have never done any thing that I was ashamed or afraid of; I had no call to disguise myself in any point, whatever.

Q. Where does your father live?

A. In his grave.

Q. Where did he live? *A.* In Scotland.

Q. What name did he go by? *A.* Favery.

Q. Has your mother married since your father died?

A. My mother is dead.

Q. How long is it since she is dead?

A. Some years ago.

Q. How many years ago?

A. I cannot recollect, such questions as that put to me.

Q. Did your mother die before your father?

A. No my father died first and my mother afterwards.

Q. Were you come to England before your mother died?

A. Yes.

Q. Were you in Mr. Ellis's service before she died?

A. No.

Q. Did you ever go to see your mother when you were in Mr. Ellis's service?

A. No I did not.

Q. Did you continue in Mr. Ellis's service from the first time you went into it till the last time you quitted it, without interruption?

A. I went away from Mr. Ellis's; Mrs. Clarke came for me in a coach, with her sister, and desired me to come to her child, which was ill, Miss Mary Anne; I went up to Hampstead to her; I said to Mr. Ellis that I wished to go away;

he said for what reason ? I said my mother was ill, and I wished to leave ; that was not so, but I did not wish to offend Mr. Ellis ; and I went to Mrs. Clarke again, and staid with her some time, and then went back to Mr. Ellis's.

Q. And you told Mr. Ellis when you went back, you had been nursing your sick mother ? A Yes.

Q. Who was it you used to visit near Tavistock-place, when you were with Mr. Ellis ?

A. I never visited any body there while I was with Mr. Ellis ; I did not know Tavistock-place at that time.

Q. Who was it you used to represent to Mr. Ellis as your Mother, that you wanted to go and see when you wanted to go out ?

A. Mrs Clarke and her children, and no one else ; and if she was here she would represent the same.

Q. You represented that as a visit to your Mother ?

A. Yes, because I did not wish to tell him I was going there.

Q. You told him your Mother's name was Mrs. Parquhar ?—A. I did not tell him, because he never asked me.

Q. Where did Mrs. Clarke live at that time ?

A. At Hampstead.

Q. Not in Tavistock-place ?

A. No, she did not ; and I did not know Tavistock-place at that time.

Q. Did you use to tell Mr. Ellis you were going to Hampstead ?

A. Only once, and he gave me leave to go.

Q. Where did you use to tell him you were going to ?

A. I never told him any where ; he never put those questions to me ; it was not above once a month, or once in six weeks that I did go out.

Q. Did you ever live with Mrs. Clarke in Tavistock-place ?

A. I lived with her mother, and she lived there too some time after that.

Q. Are you any relation of Mrs. Clarke's ?

A. That is not a question to put to me upon the business.

[The Chairman directed the Witness to attend to the questions, and to answer them in a manner

manner becoming the dignity of the Committee.]

Q. Are you any relation of Mrs. Clarke's ?

A. No, I am not a relation to her.

Q. What objection had you to answer that question ?

A. Because I think there is no reason to put me such questions as that, that are not upon the business I was brought here upon.

Q. Did you never tell any body that you were a relation of Mrs. Clarke's ?

A. No, I do not think that I ever did.

Q. Can you have any doubt of that ?—*A.* Yes, I can.

Q. How came you to doubt about it ?

A. I lived with Mrs. Clarke, to be sure ; I know what you want to bring forward, and I will bring it forward myself ; I suppose about my being married to Mr. Walmesley.

Q. If you have any thing to bring forward about Mr. Walmesley I shall be very glad to hear it ?

A. I was married to this man, and I married in the name of Farquhar ; he was a married man, and I would not live with him ; he had a wife before me, and I never cohabited with him when I knew of it.

Q. How came you to marry him in the name of Farquhar ?

A. I spoke to Mrs. Clarke upon it, and said, I am going to be married ; she said, To whom ? I said, To a coal-merchant ; which I thought he was at the time, but I was deceived ; she said, I would not have him ; I said, I will, and I was married to him. I married in the name of Farquhar.

Q. How came you to marry in the name of Farquhar ?

A. Because I had left Mrs. Clarke ; she had not any money to give me, and she said if I could get any thing upon credit I might take it in her mother's name, and so I did ; and I took bills in the name of Mrs. Farquhar, and Mrs. Farquhar paid them.

Q. When was this ?

A. Three years ago ; I left Mrs. Clarke at the time.

Q. It was upon that occasion Mrs. Clarke permitted you to take the name of Farquhar ?

A. No, before that she permitted me, I assure you.

Q. Then you went by the name of Farquhar before you married ?

A. Yes, I did.

Q. How long did you live with your husband ?

A. Four months; no longer.

Q. Did you ever represent to your husband that you were related to Mrs. Clarke ?

A. No, I never did.

Q. That you are positive of.

A. Yes, I never did indeed, do that, because he asked me several times, and I told him, no, though I went by that name I was not related to Mr. Clarke.

Q. How came the real Mrs. Farquhar to pay so many bills for you, which you drew in her name ?

A. Because I lived with her daughter, and she gave me no money ; I never had above ten pounds of her in my life : I had only ten pounds of her all the time she lived with his Royal Highness in that house.

A. Did Mrs. Clarke never pay you more than ten pounds for all your services ?

Q. No, once she gave me five pounds, but never more than fifteen pounds altogether during the time she lived with his Royal Highness.

Q. But before the time she lived with his Royal Highness ?

A. Yes, then I have been paid very well, but I did not live always with Mrs. Clarke.

Q. You are not Mrs. Farquhar's daughter ?

A. No, I positively am not Mrs. Farquhar's daughter.

Q. Are you not Mrs. Farquhar's husband's daughter by a former wife ?

A. I cannot answer you that question, but I am not the present Mrs. Farquhar's daughter, I can assure you.

Q. Cannot you answer that question ?

A. No I cannot, indeed.

Q. Why cannot you answer it ?

A. Supposing I did not know my mother nor my father ; I cannot answer to that ; I cannot tell what they did with me when I was young ; I cannot answer such a question as that ; it is impossible.

Q. How

Q. How old were you when your father died ?

A. I am sure I cannot tell you ; I do not know my own age now.

Q. Were you an infant when your father died ?

A. I believe I was ; I did not know my own father.

Q. Nor your mother ?

A. I do not know that I knew my mother.

Q. Which died first ?

A. I believe my father died first, as far as I have heard ; I cannot say to it.

Q. Did you know your mother ?

A. I did not know my mother.

Q. Did your father marry again ?

A. I cannot answer to that question ; I do not know.

Q. Do you mean to say you do not know whether your father married again ?

A. No, I cannot answer to that question.

Q. Did you ever hear Mrs. Farquhar say that you were the daughter of her husband by a former wife ?

A. No, I never did.

Q. But you will not state that you were not the daughter of Mrs. Farquhar's husband by a former wife ?

A. I cannot say any thing about it, but I can say I am not this Mrs. Farquhar's daughter ; that I can answer to.

Q. Did you know that Mr. Walmesley was summoned to be a witness at this bar to night ?

A. No, I did not know it.

Q. You had not heard so ?

A. No, I have not been told so.

Q. Have you not seen it in the paper ?

A. Indeed I have not seen the paper to day nor yesterday neither.

Q. Did you happen to know that Mr. Ellis was summoned as a witness ?—A. Yes.

Q. How did you know that ?

A. I went to beg his pardon ; I did not wish to bring him into it at all, because I thought it quite unnecessary to bring him in.

Q. Did you know that Mr. Ellis was summoned to be a witness at this bar ?

A. Yes, I knew that he was summoned to be here.

Q. Do you mean that you did know, or that you did not know ?

A. I did know, because I went to Mr. Ellis's last night.

Q. Did you know before you went to him last night ?

A. I was told that he was in the paper, and I said I was very sorry that he should be put into the paper on my account.

Q. Who told you so ?—*A.* My Mistress.

Q. Mrs. Clarke told you so ?

A. Yes, I had no motive whatever for disguising Mr. Ellis, but only his family.

Q. Had you told Mrs. Clarke you had represented Mr. Ellis to be a Carpenter ?

A. I told her last night.

Q. Not till last night ?—*A.* Yes.

Q. Are you quite sure you did not tell Mrs. Clarke before last night ?

A. I told her I had so represented Mr. Ellis ; she said, Why did you do it ? I said I did not wish to bring him forward in the House.

Q. If you had represented him to be a Clergyman, and represented your story truly, how would that have brought him forward ?

A. I had no motive whatever for it, but to screen Mr. Ellis.

Q. Do you mean to say, that the wish to screen any person is a sufficient reason with you for representing the fact different than the truth ?

A. That was my motive, and no other, to keep Mr. Ellis out of the Paper.

Q. Do you mean to say that the wish to screen any person is a sufficient reason with you for representing the fact different than the truth ?

A. Yes, that was it ; I wished to screen Mr. Ellis in every point.

Q. Do you recollect how often Mrs. Clarke called upon you while you were living with Mr. Ellis ?

A. I believe once, and her sister Miss Isabel Farquhar.

Q. Only once ?—*A.* No.

Q. Are you sure of that ?

A. Once

A. Once Miss Taylor called upon me, and Mr. John Clarke's wife ; I never had any body but twice there.

Q. Never any body called upon you but these four persons ?

A. No, I do not recollect any body else calling upon me.

Q. Did Miss Taylor call upon you alone ?

A. No, there was Mr. John Clarke's wife with her.

Q. Was that the Miss Taylor who has been here ?

A. Yes.

Q. Did she come upon a visit to you ?

A. No, she only called to see me, and to tell me Mrs. Clarke wanted to see me as soon as possible ; I told her I could not come out.

Q. Did you know Miss Taylor before she called upon you ?—*A.* O, yes.

Q. How long have you known her ?

A. Nine or ten years ; she lived at Bayswater, and they had a house in Ormond-street.

Q. Do you recollect Mrs. Clarke's ever living with a person of the name of Ogilvy ?

A. Not to my knowledge, she never did.

Q. Did you know such a person ?

A. I have seen him ; a lusty Gentleman ; I have seen him in Tavistock place, two or three times.

Mr. B. Bathurst. *Q.* Had you any character given you when you went to live with Mr. Ellis ?—*A.* Yes, I had.

Q. By whom was that character given ?

A. Mrs. Clarke or her sister ; I do not know which gave it.

Q. Under what name was that character given ?

A. In the name of Farquhar.

Sir T. Turton. *Q.* Was the person whom you represented as Mr. Ellis, that you lived with as a Carpenter, the person whom you also represented as keeping a Linen-Draper's shop at the other end of the town ?

A. I never represented such a thing.

Q. Did you represent that Mr. Ellis to keep a shop ?

A. Yes.

Q. Then is that statement that you made, wholly untrue, and a fabrication of your own ?

A. It

A. It is quite untrue that he was a Carpenter, he was a Gentleman ; but I did not wish, as I have before said, to bring him forward ; it was a fabrication of my own doing, on purpose that I would not bring him forward.

Q. Was it a fabrication as to the statement that he kept a shop ?

A. He never kept a shop, to my knowledge ; he is a Gentleman, as I told you before.

Q. Do you now recollect in what street he lived ?

A. I did not know last night, when I went there ; I was two or three hours finding the place out ; though I had a coach to Cheapside, I could not find it out when the coach put me down ; I never was at Mr. Ellis's since I left him till now.

Q. How long in truth did you live with Mr. Ellis ?

A. I believe, as near as I can say, two years ; I lived with him twice.

Q. During the time you lived with Mr. Ellis, did he change his residence ?—*A.* No never.

Q. You are quite sure of that ?

A. Yes, I am quite sure of that, because I found him where I left him.

Q. Were you sent with the children to Brighton or to the sea-side, by yourself ?

A. No I went with Mr. and Mrs. Ellis there ; I went to Hampstead by myself with the children, when they had the measles, by Mr. and Mrs. Ellis's orders ; but I did not mention that before ; I never thought of it.

Q. You have said, that your Father lived in Scotland ; in what part of Scotland ?

A. I do not know in what part he lived.

General Loftus. *Q.* You have stated, that you did not wish Mr. Ellis to know where you were going to when you went to Mrs. Clarke's ; what was your reason for wishing that ?

A. I had no motive, only people do not like to have their children taken about ; not that I suppose Mr. Ellis had any reason to suppose I should do any thing with his children or any thing that would hurt them.

Q. Can you recollect where you married ?—*A.* Yes.

Q. Where

Q. Where?—A. At Woolwich Church.

Q. By the name of Farquhar?

A. Yes, it is three years ago.

Q. Have you any relations in town?

A. I do not know that I have any relations, or any acquaintance; hardly two; I keep no company, I hardly see any one.

[The Witness was directed to withdraw.]

CHARLES GREENWOOD, Esq. was called in; and a copy of a letter being shewn to him, he was examined as follows:

Mr. Huskisson. Q. Is that in your hand-writing?

A. Yes, it is.

Q. Do you know what that paper is?—A. Yes, I do.

Q. State to the Committee what it is.

A. It is a copy of a letter written to Mrs. Clarke, after the Duke had separated from her.

Q. Written by whom?

A. By the Duke of York.

Q. Did you take this copy from the original letter so sent?

A. I did.

Q. You perfectly recollect that this is a correct copy of the contents of the letter so sent?

A. I conclude it was, I believe it is a correct copy; I do not recollect comparing it with the original afterwards.

Q. You copied this, in your own hand-writing from the Duke's letter?—A. Yes, I did.

[The letter was read.]

“ You must recollect the occasion which obliged me, above
“ seven months ago, to employ my Solicitor in a Suit with which
“ I was then threatened on your account, the result of those
“ inquiries first gave me reason to form an unfavourable opinion
“ of your conduct; you cannot therefore accuse me of rashly
“ or hastily deciding against you: But after the proofs which
“ have at last been brought forward to me, and which it is im-
“ possible for you to controvert, I owe it to my own character
“ and situation to abide by the resolution which I have taken,
“ and from which it is impossible for me to recede. An interview
“ between

“ between us must be a painful task to both, and can be of no possible advantage to you ;—I therefore must decline it.”

“ *Indorsed.*

“ *Copy of a Note supposed to have been written by the D——*”

“ *May, 1806.*

Lord Folkstone. Q. Do you recollect the date of that letter ?—*A.* Indeed I do not.

Q. You have stated that it was after the separation, how long afterwards ?—*A.* Immediately.

Q. Is that docket, at the back of it, your hand-writing ?

A. No, it is not.

Q. Was this letter written at the period of the separation, to announce the separation, or subsequent ?

A. It was upon the separation, immediately after ; I believe, his Royal Highness never saw her afterwards.

Q. Had he been in the habit of seeing her up to the time when this letter was written ?

A. I really do not know that, I rather think that within three or four days he had seen her.

Mr. C. Adam.—*A.* At whose desire was the copy of that letter taken ?

A. At his Royal Highness's desire.

Q. Has it been in your possession ever since ?

A. I have never seen it till to-night, I believe, from the time I took the copy.

Q. Do you know in whose possession it has been ?

A. I really do not.

Q. To whom did you give it after taking a copy of it ?

A. I left it with the Duke of York.

[*A letter sent by Mrs. Clarke since she left the House, being shewn to the Witness.*] Q. Do you believe that to be the Duke of York's hand-writing ?—*A.* I believe it is.

Q. Will you look at the address of that, do you know that hand-writing ?—*A.* No, I do not at all.

[*The Witness looked at another letter.*] Q. Whose hand-writing is that ?

A. I think this is the same hand-writing as the last.

[*Another letter being shewn to the Witness.*] Q. Do you believe that to be the Duke of York's hand-writing ?

A. I believe it is.

[*Another*

[Another letter being shewn to the Witness.] Q. Do you believe that to be the Duke of York's hand-writing?

A. I think that is the same hand-writing.

Q. Do you know General Clavering's hand-writing?

A. No, I do not.

[The following letters were read.]

" Without being informed to what amount you may wish for assistance, it is impossible for me to say how far it is in my power to be of use to you."

" Friday Morning "

Addressed

" Mrs. Clarke, N^o 9, Old Burlington street "

" If it could be of the least advantage to either of us, I should not hesitate in complying with your wish to see me ; but as a meeting must, I should think, be painful to both of us, under the present circumstances, I must decline it "

Addressed .

" Mrs. Clarke,

" N^o 18, Gloucester-place, Portman-square "

" October 21, 1806."

" It is totally out of my power to be able to give you the assistance which you seem to expect "

Addressed :

" Mrs. Clarke,

" Southampton."

114

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A. 24

806

" I enter fully into your sentiments concerning your children but cannot undertake what I am not sure of performing.

" With regard to Weybridge, I think that you had better remove your furniture, and then *direct the person who was employed to take the House, to give it up again.*"

Addressed :

" Mrs. Clarke,

" N^o 18, Gloucester-place, Portman-square.

(To Mr. Greenwood) Q. Were you in the frequent habit of copying His Royal Highness's letters?

A. No.

Q. Did His Royal Highness give you any particular reason for wishing you to copy this letter?

A. I

A. I think I was with the Duke of York at the time he wrote that letter, and as he generally copies letters, that he does write himself, that I undertook to copy it, to save him the trouble. [The Witness withdrew.]

MRS. JACOB was next called in, and examined by the Committee as follows :

Mr. Wardle. Q. Does the witness know Mr. Nichols, of Hampstead ?—*A.* Yes.

Q. Is she related to him ?—*A.* Yes, I am his niece.

Q. Has she had any transaction respecting property with him ?—*A.* Yes.

Q. State as nearly as you can what the particulars of that transaction were—

The CHANCELLOR of the EXCHEQUER said, that certainly it was competent for the Honourable Member to go into any examination that might fairly tend to impeach the evidence of Mr. Nichols; but he wished that the Honourable Gentleman would, before he would enter into any vague examination, ascertain how far the evidence of the witness went to facts, and how far those facts were founded upon her own knowledge. It would be endless to be hearing the opinion of one individual, upon the merits of the testimony of another.

Mr. WARDLE said, that he was willing to state to the House what was the amount of the evidence he expected to get from the witness. He had been informed that Nichols, in order to come at a property to which the witness was entitled, had made an affidavit that she was dead. This was the fact to which he called her.

Mr. BRAGGE BATHURST suggested the propriety of ascertaining, by a private communication, how far the witness could speak to that fact from her own knowledge (Mr. Wardle left the House and returned immediately after, and stated that he should not call the witness, as what he had to communicate respecting the fact, she

she had from the knowledge of her lawyers) her examination was then ordered to be expunged from the minutes.

CHARLES TAYLOR, Esq. a Member of the House, attending in his place, was *Examined by The Committee*, as follows:

Q. Do you believe that to be General Clavering's hand-writing?—*A.* Yes I do.

Q. Are you acquainted with his hand-writing?

A. Yes, I am.

Q. Did you ever see General Clavering write?

A. How could I possibly assert I know his writing, if I had not.

[The Letter was read, dated the 8th of February 1808 :]

“ Limmer's Hotel, Condait-street, 8th February.

“ My dear Mrs. C ———, 6 P. M ”

“ I have just heard that you had it in contemplation to sub-
 “ poena me before the House of Commons: the report I hope
 “ is unfounded; at all events, *I am particularly to beg*, that you
 “ will take every care that *my name* even be in no shape what-
 “ ever, or on any account, brought before the House of Commons.
 “ As being a family man, the world would be inclined to attri-
 “ bute motives to our acquaintance, which, though not existing,
 “ all the arguments in the universe would not persuade them to
 “ the contrary.

“ With great regard, truly yours,

“ *H. M. Clavering.*”

“ Mrs. Clarke,

“ In haste, 6 P. M.”

“ Westbourn-place, Sloane-street.”

THOMAS LOWTEN, Esq. was called in, and
Examined by The Committee, as follows :

Sir T. Turtton.—*Q.* You are a Solicitor?

A. I am an Attorney at Law and Solicitor.

Q. Do you remember being employed by Mr. Adam in the year 1805 to make any inquiries relating to Mrs. Clarke?

A. I do. The first application to me upon that subject
 No. XXV.—Vol. 2. F f was

was from his Royal Highness the Duke of York in the month of October 1805, in consequence of a letter which had been written to him. I had the honour to see his Royal Highness, and he communicated to me the business in which he wished me to be employed, and I acted professionally and confidentially for him upon that occasion.

Q. In the course of such inquiries did you receive any and what proofs that Mrs. Clarke had made use of his Royal Highness the Duke of York's name to raise money?

A. I cannot say that I did in any inquiries that I made, discover that she had made use of the Duke of York's name to raise money. It appeared to me that in consequence of the protection she had from the Duke of York, and the way she lived, many persons were induced to trust her further than I think they would have done, if it had not been for that protection.

Q. In the course of that inquiry did any pecuniary transaction turn out, in which Mrs. Clarke was concerned, that, in your opinion, injured in any degree the character of his Royal Highness the Duke of York?

A. My inquiries upon that occasion were not directed to the purpose of knowing what transactions she had with respect to money concerns, they were of a nature which regarded Mrs. Clarke's husband and her family rather than the mode in which she acquired money.

Q. Do I understand you to say you were not directed by Mr. Adam to investigate the circumstance of any pecuniary transaction in which the use of the Duke of York's name had been made?

A. I do not particularly recollect that Mr. Adam ever directed me to inquire particularly as to any transaction in which the Duke of York's name was made use of with respect to money; he had communication upon that subject with a Gentleman who was more at liberty to go about than I was, which was Mr. Wilkinson.

Q. Do not you recollect Mr. Adam stating to you, that he considered the conduct of Mrs. Clarke had been very incorrect in pecuniary transactions, in the use of the Duke of York's name?

A. I do not recollect it.

Q. Do

Q. Do you recollect stating upon paper the result of your investigation of the inquiries to his Royal Highness the Duke of York?

A. In the beginning of the month of May 1806, having acquired as much evidence as appeared to me to be necessary for the purpose of satisfying the Duke of York on the subjects on which I was employed, those several matters which did so come to my knowledge were reduced to writing, and, I do not know whether through Mr. Adam or some other person, were communicated to his Royal Highness the Duke of York.

Q. When you had finished the examination, did you communicate the result of it with the proofs to his Royal Highness the Duke of York?

A. I put them into a train, and they went to his Royal Highness. I did not deliver them myself; I knew from his Royal Highness that he had them.

Q. To whom did you deliver them to be conveyed to his Royal Highness?

A. As to the hand, whether I delivered them myself, or any clerk, or any servant, I cannot tell.

Q. Were they conveyed by yourself or any other confidential person?

A. I really do not recollect.

Q. Are you sure that the result, and the documents upon which that result was founded, were communicated to his Royal Highness?

A. I have got in my pocket the thing that I communicated to his Royal Highness; I communicated all such things as appeared to me to be necessary and proper.

Q. Are you sure that the result, and the documents upon which that result was founded, were communicated to his Royal Highness?

A. I believe they were.

Q. Do you recollect, that with those papers there were any documents to prove that any money was raised in the Duke of York's name, by Mrs. Clarke?

A. I think there were not, but the paper will speak for itself.

[The witness was directed to withdraw.
[The witness was again called in.]

Hon. Mr. Lyttleton. Q. Do you know the Rev. William Williams ?

A. I know very little of him ; I remember him some years ago being about the Court of King's Bench, and very troublesome to Mr. Wm. Jones, the marshal.

Q. Have you seen nothing of him lately ?

A. I never saw him till that night he was before this House, for seven or eight years.

Q. You did not see the Reverend William Williams lately, before he was examined, at this House ?

A. I saw him about seven o'clock that evening.

Q. Was that previous to his examination before the Committee ? A. It was.

Q. Was no application made to you by Mr. Williams, or by you to Mr. Williams, before that ?

A. I had no application from Mr. Williams, nor did I make any to Mr. Williams, nor did I see Mr. Williams, except about three minutes in the Lobby about seven o'clock, before he was examined.

Q. Had you any reason for thinking Mr. Williams insane ?

A. I was induced to think very indifferently of him, as to his character and sanity, seven or eight years ago, on his calling upon me ; I wrote to my friend Mr. Jones, the Marshal, and in answer I received a letter from him saying, have nothing to do with Mr. Williams, for he is mad.

Lord Milton. Q. Do you recollect sending any person to Mr. Nicholls at Hampstead, some days ago ? A. I do.

Q. Who was that person ?

A. It was Mr. Thomas Wright, who lives upon Havestock Hill, near Hampstead.

Q. What was the object of sending Mr. Wright to Mr. Nicholls upon that occasion ?

A. I sent Mr. Wright to find out where Mr. Nicholls lived, as I was told he had removed from Hampstead to a farm, and Mr. Wright being a resident at Hampstead, I thought him most likely to find out where it was he lived.

Q. Why did you wish to find out where he lived ?

A. I had received intimation by a letter, that Mr. Nicholls could give material evidence as to the matter of inquiry before this Honourable House.

Q. What

Q. What description of evidence ?

A. It was respecting Mrs. Clarke and Mr. Dowler living at his house in the years 1807 and 1808.

Q. Did you wish to inquire after any letters that were supposed to be in the possession of Mr. Nicholls ?

A. I did not wish to inquire, for I knew nothing of any letters that were in his possession till he came to be examined before this Honourable House.

Q. In the representation you made, of the result of the inquiries into the conduct of Mrs. Clarke, was any part of it that she had raised money under the real or fictitious patronage of military promotion ?

A. It did not occur to me in my enquiry ; that any such transaction had taken place ; it was not part of my enquiry ; I never believed one word upon that subject.

Mr. Bankes. *Q.* Have you had any interview with General Clavering during the course of this enquiry ?

A. On the day that General Clavering was first examined, he called upon me in the Temple.

Q. Did he call upon you previous to his examination ?

A. He did.

Q. What passed in that conversation ?

A. I will state as nearly as I can ; General Clavering when he came to me said, that he had seen the statement made by Mrs. Clarke in which his name had been mentioned ; that he could contradict that statement very materially ; he gave me his account of the contradiction, of which I made a memorandum in writing, after that, to my surprize, when I came down here, General Clavering came to where I was at Alice's Coffee-house with a letter ready written addressed to His Majesty's Attorney General, in which he made use of my name I thought improperly ; and I desired that my name might not be introduced ; but that if he had any thing to communicate to the Attorney General he would write it in his own name.

Q. Did you advise General Clavering to write a letter to the Attorney General, or any other Member of this house ?

A. I did not advise him any other way than I have just now stated.

Q. What advice did you give to General Clavering ?

A. Not to make use of my name in any letter he might write to the Attorney General.

Q. That is negative advice ; what positive advice did you give him ?

A. I did not give him any advice to offer himself to be examined ; but that if he could give any contradiction to Mrs. Clarke evidence, I thought it would be material he should be examined

Q. Did you advise him to offer himself to be examined if his evidence could materially contradict Mrs. Clarke's ?

A. I did not advise him to offer himself voluntarily to be examined.

Q. Did you give him any advice, as the result of your conversation with him ?

A. I really thought General Clavering competent to advise himself upon the subject ; I did not give him any advice further than common conversation, to say if you will be examined send in your letter. I was not consulted by him by way of advice.

Q. What was the occasion of his coming to communicate with you ?

A. I really do not know ; he said when he came in, that he had a statement to make that would contradict Mrs. Clarke's statement ; and I think he said that he had seen Col. Gordon, and that he had desired him to call upon me.

Q. Did you understand that he came to you, in consequence of the desire of Colonel Gordon ?

A. I believe partly from the desire of Colonel Gordon, and partly from a wish of his own to contradict the statement made by Mrs. Clarke ; so I understood it.

Q. Did he ask you what would be the best course for him to pursue, after his conversation with you ?—**A.** He did not.

Q. Did he say that he should write any letter to the Attorney General, or any other Member of Parliament ?

A. He did not.

Q. At the time he left you, did you suppose, he was about to offer himself as a voluntary Witness before this Committee ?

A. When he left me in the Temple I did not suppose or expect any such a thing ; when he quitted me at Alice's Coffee-house I did expect it.

Q. Did

Q. Did you put any questions to him, to know, what any evidence he could communicate to this Committee might be ?

A. I did ; I asked General Clavering several questions as to his knowledge of Mrs. Clarke ; how long he had known her, where he had seen her, where he had seen her last, and other questions, which occurred to me as proper for the investigation of the business in which I was engaged.

Q. Did you ask him any question, whether he had offered Mrs. Clarke any money for promotion, or for raising a Regiment, to be procured through her influence with the Duke of York ?

A. I did not ; I should have thought it most impertinent as I could not conceive a General Officer could be guilty of any such conduct.

Q. Did he communicate any such information to you ?

A. Certainly not.

Q. Did you question him generally with regard to his communication and intercourse and acquaintance with Mrs. Clarke ?

A. I did ; and it appeared to me, from the paper which he produced, that Mrs. Clarke was making use of him for the purpose of getting some person promoted from one Regiment to another ; and it appeared that a letter, dated in the Temple, and apparently signed by a Mr. Sumner, contained a recommendation of that person so wished to be promoted, and who, he stated to me, Mrs. Clarke had represented as a relation of an Honourable Member of this House, and which letter he was to transmit to the Duke of York, in order to obtain that promotion.

Q. Did you ask him, whether he had maintained any correspondence with Mrs. Clarke upon the subjects of military promotion, or matters connected therewith ?

A. I did not ; and I knew of no other instance than the one I have just mentioned.

Q. Did he give you to understand, that he had communicated to you fully all that passed between him and Mrs. Clarke upon the subject of military promotions, or matters connected therewith ?

A. He did not say any thing to me upon that question, further than I have stated to the Committee.

Q. Did

Q. Did he inform you that he had shewn a letter, addressed to the Attorney General, to any other person before he shewed it to you?

A. I do not recollect that he did; there were two other persons present when he shewed it to me.

Q. Are you sure that you advised him to omit your name out of that letter? A. I am.

Q. Are you sure that he omitted it in consequence of your representation to him?

A. He destroyed the first letter, and he wrote another, and read it to me, without my name being inserted in it.

Q. Did you make any observations upon the second letter?

A. I cannot say that I did, I do not recollect that I did.

Mr. Whitbread. Q. In the conversation that you have stated to have passed between General Clavering and you, did the words "If you will be examined, you had better send a letter," pass at Alice's Coffee-house, or in the previous interview with General Clavering?

A. I said, if you will be examined, you had better send a letter; that was at Alice's Coffee-house.

Q. Did you advise General Clavering to call upon Mr. Ogilvie, or any other persons, touching this inquiry respecting Mrs. Clarke?

A. General Clavering mentioned the name of Mr. Ogilvie to me, as being the person who first introduced him to Mrs. Clarke, and said he could get this information from Mr. Ogilvie; and it is possible I might say then you had better see Mr. Ogilvie.

Q. Did General Clavering give you any account afterwards of having seen Mr. Ogilvie?

A. I think he did, but I will not be positive; I do not recollect any thing that he said.

Q. You have mentioned, that before Mr. Nicholls came to the House of Commons to be examined, you were not aware that he was in possession of any letters; did you see those letters before Mr. Nicholls came to the Bar of the House with them?

A. I did see four bundles of letters in the possession of Mr. Nicholls.

Q. Did you examine those bundles?

A. I

A. I believe I turned over many of the letters, but I did not read any one of them.

Q. Were they examined in the presence of Mr. Nicholls or any other person?

A. The examination that I had was in the presence of Mr. Nicholls and did not last five minutes; other persons were present; Mr. Nicholls's wife was present; I returned all the letters as I received them from him.

Mr. Robinson.—Q. Did you know of any sums of money paid by His Royal Highness to Mrs. Clarke, during her residence in Gloucester-place?—*A.* I did not.

Q. Have you with you the paper on which you wrote the result of your conversation with General Clavering?

A. I have not.

Mr. Beresford.—Q. Have you in your recollection the contents of that paper, so as to enable you to state it to the House?

A. I believe that paper, which was the rough copy of a paper which I wrote in the Temple, was sent into the House with his letter.

Q. Did you recommend General Clavering to send in that examination; was it inclosed in the letter, or how was it sent?

A. It was given, I believe, to General Clavering open, without being inclosed in any letter.

Q. Was it in your hand-writing or General Clavering's?

A. In mine.

Q. Was it inclosed in the same cover as General Clavering's letter?—*A.* Certainly not.

Q. What do you mean by saying that it was sent in with the letter?

A. I believe I gave it to General Clavering in the Coffee-house.

Mr. BERESFORD stated his wish to procure the fullest information on this subject, in order to trace the conduct of that officer *ab initio*.

Mr. MONTAGUE MATHEW vindicated the character of General Clavering from any improper insinuations. He did hope, that a long and honourable life in the service of his country, would not be aspersed without

without the fullest proof of what he conceived could not be substantiated.

Q. Who were present when you turned over those letters of Mr. Nicholls's ?

A. Mr. Nicholls, Mrs. Nicholls and Mr. Wright.

Q. Nobody else ? — *A.* Nobody else.

[The Witness was directed to withdraw.]

[The Witness was again called in.]

Q. Have you any and what reason to believe that Mrs. Clarke ever raised any money on the credit of His Royal Highness the Duke of York ?

A. I do not know that Mrs. Clarke ever raised any money on the credit of the Duke of York ; that she might get a great deal of credit with tradesmen for goods supplied to her in consequence of living in the way in which she did.

Q. In consequence of the inquiries which you made, did you find that Mrs. Clarke had ever raised any money upon the credit of the Duke of York ?

A. I cannot say expressly that ever I did find it in any other way than I have before stated, that she got into debt to various tradesmen to a considerable amount, who were induced to trust her in consequence of her connection with the Duke of York.

Q. Look at the subpœna inclosed in the letter which you have ; what is the name of the cause in which that subpœna was ?

A. Turner against Mary Ann Clarke.

Q. Do you know from your situation as Clerk of Nisi Prius in Middlesex, whether that cause was entered for trial in Middlesex ?

A. I recollect perfectly that it was entered for trial, and it stood for trial, I believe, upon the 12th of May 1806 ; just before the cause was to be tried it was withdrawn.

Q. State how you received that letter with the subpœna inclosed ?

A. I cannot positively recollect ; I rather believe Mr. Adam communicated it to me ; or what other gentleman who had communication with the Duke of York did so, I really do not know.

Q. Look

Mr. C. Adams. Q. Look at the signature of that letter, and merely read the name at the bottom of it?

A. The name appearing at the bottom of this letter is Henry Turner.

Q. Are you acquainted with him?

A. Just as I am acquainted with many other persons in town; I do not know that ever I spoke to him in my life.

Q. Do you know what he is?

A. I believe a Pawnbroker, in Princes-street, Leicester-fields.

Q. Do you know the hand-writing?—A. I do not.

Q. How do you know that it is his hand-writing?

A. I believe it to be the hand-writing of Henry Turner, who I know was living in John-street, Golden-square.

Q. Do you know that Mr. Henry Turner who lives near Golden-square is the Mr. Henry Turner who signed that letter?—A. I do not.

Q. During the connection between the Duke of York and Mrs. Clarke, did you ever know that Mrs. Clarke raised money upon the credit of the Duke of York's name?

A. I do not.

JOHN WILKINSON, Esq. was called in, and

Examined by The Committee, as follows:

Sir T. Turton.—Q. In what capacity do you live with Mr. Lowten?

A. I do not live with Mr. Lowten.

Q. In what capacity are you ever employed by Mr. Lowten?

A. I am very frequently employed by Mr. Lowten in the transaction of various businesses that arise in his Office.

Q. Do you recollect being employed by Mr. Lowten in the year 1805, to make any inquiries relating to Mrs. Clarke?—A. I was.

[The Witness was directed to withdraw.

[The Witness was again called in.]

Q. In the course of such inquiries, have you any proof that you can give to this House, of any money transactions in which Mrs. Clarke made use of the Duke of York's name?

A. I

A. I really do not know what this House would consider as proof ; it came to my knowledge in the month of May, that the Duke of York had received notice that he was to be subpoenaed in an action brought against Mrs. Clarke for money due to a man of the name of Turner ; Mr. Turner's attorney, Mr. Batchelor, called upon me, and informed me he was going to serve the Duke of York with a subpoena, and read me a letter, which he said he had advised his client to send with the subpoena ; but I had no proof that the money was due from Mrs. Clarke.

Q. Do you know of any instance in which Mrs. Clarke made use of the Duke of York's name to raise money ?

A. I do not of my own knowledge.

[The Witness was directed to withdraw.]

Miss MARY ANN TAYLOR was called in, and
Examined by The Committee, as follows :

Sir T. Turton.—In your former examination, have you not said that you were very intimate with Mrs. Clarke, and frequently visited at Gloucester-place ?—*A.* Yes.

Q. When the Duke of York was present at those visits, was there any body in company besides, at any time, that you can recollect ? *A.* None except the servants ever.

Q. Upon those occasions, did the conversation in your presence appear free and unrestrained ?

A. Yes, quite so.

Q. Do you recollect, at any time, when you were present, any conversation taking place between Mrs. Clarke and His Royal Highness the Duke of York relative to military promotions ?

A. Nothing except that time about Colonel French.

Q. Recollect, whether at that conversation relative to Colonel French, you are perfectly sure there was nobody present but Mrs. Clarke, yourself, and His Royal Highness the Duke of York ?

A. Yes, I am very certain of it.

Q. Are you sure that the words that were used by Mrs. Clarke, on the occasion of the Duke of York's referring to her upon the conduct of Colonel French towards her, were, that his behaviour was middling, but not very well ? *A.* Yes.

Q. You

Q. You are sure those were the words ?

A. Those were the words.

Q. Did you at any time afterwards have any conversation with Mrs. Clarke, relative to the observation of the Duke of York upon Colonel French's business ?

A. Not till within these three weeks or a month.

Q. What was the conversation you had at that time ?

A. She asked me, if I recollected the Duke of York mentioning Colonel French's name in my presence.

Q. Did any thing else pass upon that occasion ?

A. I immediately recollected the circumstance, and told her.

Q. Did Mrs. Clarke make any reply to that observation, and what ?

A. I do not recollect what she said.

Q. Do you at all recollect any further conversation that passed at the time, when the Duke of York made that observation relative to Colonel French's levy, besides what you have already given in evidence ?

A. No, nothing at all upon that subject.

Q. Do you recollect at any time, Mrs. Clarke's stating in your presence to the Duke of York, any wish in favour of any application for military promotion ?

A. Never.

Q. Do you recollect at any time Mrs. Clarke applying to the Duke of York in your presence for money ?

A. No.

Q. Did any conversation at any time take place in your hearing between his Royal Highness the Duke of York and Mrs. Clarke, with respect to the pecuniary difficulties under which she laboured ?—A. No, never.

Q. Do you recollect that Mrs. Clarke ever stated to his Royal Highness the Duke of York, that Colonel French had broken any pecuniary promise he had made her ?—A. No, I do not recollect it.

Q. Do you now-know Mrs. Hovenden ?

A. What is meant by now.

Q. How long is it since you have ceased being acquainted with Mrs. Hovenden ?

A. More than two years.

Q. Can you assign any reason for not being acquainted with Mrs. Hovenden at present ?

A. I did not return the last visit she made me, I suppose that is the reason.

Q. Can you inform the Committee where Mrs. Hovenden lived at that time?

A. In South Moulton-street, I think, Oxford-street.

Q. Do you recollect at what number?

A. No, I cannot recollect the number.

Q. Do you recollect how long she lived in South Moulton-street?—A. I never knew.

Q. How long had you known her before she lived in South Moulton-street?

A. She was there when first I saw her.

Q. How long was your acquaintance with her?

A. Not above seven or eight months.

Q. Is Mrs. Hovenden a widow or a married woman?

A. She was a married woman, she is now a widow.

Q. Do you know where she lives now?

A. No, not at all.

The Solicitor General. Q. I think you said that till three weeks ago, you had not mentioned the expression respecting Colonel French since it passed; do you mean to state that?

A. No, I do not think I ever did mention it.

Q. Then it was to Mrs. Clarke?—A. Yes, it was.

Q. How long ago is it since you heard the expression respecting Colonel French?

A. I do not say it was during Mrs. Clarke's residence in Gloucester-place.

Q. About how long?—A. I cannot say.

Q. Was it a year, or two years ago?

A. More than two years ago.

Q. Was it four years ago?

A. No, I do not think that it was quite so much, though I cannot say.

Q. Was it the winter or the summer?

A. That I cannot recollect.

Q. Cannot you recollect at all what part of the year it was in?—A. No.

Q. Nor what year it was in?—A. No.

Q. You have totally forgotten how long it was, or what part of the year it was in?

A. Yes, I have quite forgotten it.

Q. Was

Q. Was there any circumstance at the time passing which induced you to take particular notice, or to bear in your recollection the expression?

A. The chief circumstance was, that I never saw Colonel French, though I had heard his name, which made me curious when I heard his name, respecting him.

Q. No other circumstance but the one you have mentioned?—A. No other.

Q. After an interval of four years, you recollect a particular expression, without any intervening circumstance ever having happened to call it to your remembrance?

A. O, yes, I have thought of it since, though I have not mentioned it.

Q. You had never mentioned it to any body before you mentioned it to Mrs. Clarke, three weeks ago?

A. I believe not.

Q. What brought it into your thoughts so now and then?

A. The curiosity that I mentioned before, respecting a man that I was not allowed to see.

Q. Can you recollect what passed with Mrs. Clarke three weeks ago upon the occasion of this conversation respecting Colonel French?—A. No, nothing.

Q. Not one expression or circumstance that passed three weeks ago with Mrs. Clarke?

A. No, I do not recollect any.

Q. Is your memory so defective as to have forgotten all that passed in the conversation three weeks ago with Mrs. Clarke?

A. That is very possible, for it did not interest me at all.

Q. Where was it that Mrs. Clarke brought to your recollection, or enquired about Colonel French?

A. At her house in Westbourne-place.

Q. Was it at that time proposed to bring the subject forward in an inquiry?

A. I do not know about that.

Q. Was any body present when this passed between Mrs. Clarke and you?—A. I believe not.

Q. Have you forgotten that too?—A. Yes.

Q. Cannot you now recollect any one fact or circum-

stance that passed three weeks ago with Mrs. Clarke, or even who was present?

A. I do not think any body was present, and I do not recollect any fact or circumstance.

Q. How came Mrs. Clarke to be making any inquiry about this?—A. I did not ask her that.

Q. Do you mean to state you do not know upon what occasion the conversation between Mrs. Clarke and yourself arose?

[The witness was directed to withdraw.

[The witness was again called in, and the question was proposed]

A. I suppose something relating to this business; I did not think of it at the time.

Q. Did not Mrs. Clarke inform you at the time why she was making this inquiry?

A. I do not recollect that she did.

Q. Will you positively say that she did not?

A. No, I will not, because I am not sure.

Q. Had any body been in your presence with Mrs. Clarke prior to the inquiry, asking questions upon the same subject?—A. No, I believe not.

Q. Cannot you remember that?

A. I cannot remember it, if it was the case.

Q. Cannot you remember, whether three weeks ago any body had, in your presence, when inquiring of Mrs. Clarke on the subjects of military promotions by the Duke of York, or any thing which is now the subject of inquiry?—A. They did not inquire in my presence.

Q. When you were here before you stated that your father and mother were living, and of the name of Taylor?—A. Yes, I did.

Q. Is that true?—A. Yes.

Q. Does not your father go by the name of Chance?

A. He never told me that he did.

[The witness was directed to withdraw.

Mr. W. SMITH objected to this course of examination; whether she knew or not, that her father went

went by the name of Chance, was, he contended, of little consequence. He protested against any attempts to endeavour to draw the witness into contradictions.

The SOLICITOR GENERAL agreed that it was not very material to the inquiry before the Committee; but would it not go to affect the credit of the witness, if it appeared her father never went by the name of Taylor, but always by the name of Chance.

Mr. WHITBREAD said it was competent for the learned gentleman to call evidence to contradict the witness, but he would maintain that any temporary change in her father's name, arising from embarrassment or other circumstances, should not affect the witness's credit, the questions pressed upon her on this and her former examination appeared to be very severe.

After some further discussion between the CHANCELLOR of the EXCHEQUER, Mr. W. SMITH, Mr. WHITBREAD, and Mr. BATHURST, the witness was again called in.

Q. Did your father ever go by the name of Chance?

A. He never told me that he did.

Q. Do you mean to state that you never heard any body call him by the name of Chance?

A. No, I do not think that I ever did.

Q. Have you a doubt about it?—A. None, I believe.

Q. Then do you mean to state that he has always passed by the name of Taylor?

A. To the best of my knowledge.

Q. Recollect yourself, whether you mean to persevere in that, that throughout the whole time you have known your father, you never knew him called by any other name than the name of Taylor?

A. Never, throughout the whole time I have known him.

Q. Do I understand you to say, that during all the time you have known him, you never yourself, or in your presence, heard any body call him by the name of Chance?

A. No, never.

Q. Do you know Mrs. Favery?

A. As far as she was a servant of Mrs. Clarke.

Q. How long have you known her?

A. Nearly as long as I have known Mrs. Clarke.

Q. How long is that?

A. Some eight or nine years, I suppose.

Q. Did Mrs. Favery, all the time you have known her, go by the name of Favery, or by any other and what name?

A. When first I knew Mrs. Clarke, she went by the name of Martha, but I did not know her surname.

Q. Do you mean, that Mrs. Favery went by the name of Martha?—A. Yes.

Q. Did you never hear Mrs. Favery go by any other name than that of Favery, or Martha?

A. I do not recollect that I did.

Q. Did you visit Mrs. Favery when she lived with Mr. Ellis?

A. I called upon her once; not as a visitor.

Q. Whom did you inquire for at Mr. Ellis's?

A. It was Mrs. Clarke's sister went with me; I was not the inquirer.

Q. Did not you hear Mrs. Clarke's sister inquire for her as Mrs. Favery, or by some other name?

A. I believe Mrs. Favery opened the door.

Q. How long were you together?

A. I cannot say.

Q. By what name did you or your companion address that woman?—A. By the name of Martha.

Q. And no other name?—A. No other name.

Q. Do you mean to state (recollect yourself before you answer that question) that that person never went by the name of Farquhar?—A. Never, to my knowledge.

Q. You have known her nine years?

A. Yes, about that time.

Q. And in no part of that time did she ever go by the name of Farquhar?

A. I never heard her called by that name.

Q. Were you well acquainted with her while she lived with Mr. Ellis?

A. Yes, she had lived with Mrs. Clarke previous to that.

Q. You

Q. You had known her when she lived with Mrs. Clarke, previous to her living with Mr. Ellis?—A. Yes.

Q. Do not you remember, that when she went to live with Mr. Ellis, she took the name of Farquhar?

A. I never heard that circumstance.

Q. Do you mean to say, that she continued to go by the name either of Martha or Favery, after she quitted Mrs. Clarke, and went to live with Mr. Ellis?

A. I never knew her by any other name.

Q. Do you remember Mrs. Favery being married?

A. There was some talk of it in the house, but it was scarcely believed.

Q. Did you know any of the relations of Mrs. Favery?

A. Not one.

Q. You never saw her husband, or the person to whom there was a talk of her being married?—A. No, never.

Q. You never saw a person of the name of Walmesley?

A. No, I never saw him.

Q. Do you recollect your father's father?

A. No, he was dead many years before I was born.

Q. What was his name?

A. I do not know what his name was; I never talked to any body about him.

Mr. C. Bradshaw. Q. Might not your father, from distress, to avoid his creditors, have taken the name of Chance, or any other name, without your knowledge?

A. Then how should I know it.

Q. Have you had a niece of Mrs. Hovenden's under your care at any time?

A. Yes, more than two years ago; she staid with me only a few weeks on a visit.

Chancellor of the Exchequer. Q. Is your father now alive?—A. Yes, he is.

Q. Do you know whether your mother has been in custody for debt, within a short time?

A. I cannot answer that.

Q. Do not you know that your mother has been in execution for debt?

A. My mother has nothing to do with the present subject.

[The Chairman informed the witness she must answer the question.]

[The

[The witness appearing extremely affected was ordered to withdraw.]

The CHANCELLOR of the EXCHEQUER said, that it was very painful to him to be under the necessity of pressing questions that could distress the feelings of any female; but he felt it necessary to have an answer to the question.

The witness was called in.

Q. Do you not know that your mother has been in execution for debt?

A. I must appeal to the indulgence of the Chairman; I cannot answer it.

[The Chairman informed the witness that, in his opinion, she must answer the question.]

Q. Do you know that your mother has been in custody for debt?—A. Yes.

Q. How long?—A. Nearly two years.

[The witness was directed to withdraw.]

The CHANCELLOR of the EXCHEQUER explained why he asked the question. He thought at her first examination that there was something in her answers respecting her father and mother, which made him suppose that she was not the respectable person she was represented. It now appeared that her father and mother were not married.

Mr. W. SMITH put it to the House how far the credit of the witness was to be affected by this circumstance. She felt on the occasion as any one might feel. It was natural that she should feel a reluctance to disparage herself by acknowledging that she was illegitimate.

Mr. WHITBREAD concurred with the Right Hon. Gentleman that the questions must be as painful to him to put as they were to the witness to receive; but it appeared to him that he had rather overstated what she had said on a former examination. She did state
that

that Taylor was her father's name, but not that it was her mother's. It was by her credibility, and not by her respectability, that they were to determine how far they should believe her.

Mr. BARHAM regretted that these last questions were put. They had cast a doubt upon the character of the witness, which was enough to extinguish her means of subsistence.

Mr. DEDERICK SMITH was called in, and examined by the Committee, as follows :

General Loftus. Q. What are you?

A. A brazier and tinman.

Q. Do you know Miss Mary Ann Taylor, of Cheyne-row, Chelsea?—A. Yes.

Q. How long have you known her?

A. I cannot exactly say, but I think about fifteen years; I am not certain exactly to the time.

Q. Do you know her mother?—A. Yes, I do.

Q. How long may you have known her mother?

A. About the same time.

Q. Do you know her father?—A. Yes, I do.

Q. Do you know what his name is?

A. His name is Thomas Chance.

Q. Do you know his profession?

A. His profession was formerly a stock-broker, but he failed, I believe.

Q. Did he ever do any business for you in that profession?—A. Yes, he has.

Q. Did you ever make a purchase of land of him?

A. Yes, I did.

Q. In what name did he convey it?

A. In the name of Chance.

Q. Did he ever tell you that he had a wife?

A. His wife was Mrs. Taylor, she passed as his wife.

Q. Did he ever tell you that he had another wife?

A. No, he never told me so.

Q. Did you ever apply for him at the Stock Exchange under the name of Taylor?—A. Yes, I have.

Q. Could you find him by that name?—A. No.

Q. Under

Q. Under what name did you find him?

A. The name of Thomas Chance.

Q. How long has he ceased to be a broker?

A. To the best of my knowledge, two years; but I will not be certain.

Q. Did he do business publicly at the Stock Exchange every day as Thomas Chance?—A. Yes, he did.

Q. Was he known by any other name than that of Chance?—A. He was not.

Q. Did you ever see him with his daughter, Mary Ann Taylor?—A. Yes, I have.

Q. Did he go by the name of Chance at that time?

A. No, he went by the name of Taylor.

Mr. W. Smith. Q. What was your reason for inquiring for him by the name of Taylor, at the Stock Exchange?

A. Because at that time I did not know but what his name was Taylor.

Q. How came you to apprehend that the name of a man was Taylor, whom you knew by the name of Chance?

A. I found out then that his name was Chance; before, I always thought his name was Taylor; I found it out when I began to deal with him, and not before.

Q. At what time did you find out that the name of this person was Chance?

A. I cannot exactly say the time, but it was that time when I wanted him to do business for me at the Stock Exchange.

Q. By what name did the person, of whom you are speaking, go, when you were first acquainted with him?

A. He went by the name of Thomas Taylor.

Q. How long ago was that?

A. O, that is a good many years ago, ever since I knew him.

Q. How long did he continue to go by that name, to the best of your knowledge and belief?

A. He has gone by that name till I found out that his name was Chance, when he began to do business for me at the Stock Exchange.

Q. About how long ago may that be, that you apprehended that the true name of this party was Chance?

A. My

A. My memory will not furnish me with that, but it is several years ago, that is all I can say; I could find it out by papers, but my memory is very bad, and therefore I cannot go any further.

Q. In what neighbourhood did the party, of whom you speak, live, when you knew him by the name of Taylor?

A. He lived in Norman-street, and he lived at Bayswater, and all that time I knew him by no other name than that of Thomas Taylor; nor my family, nor any of them knew him by any other name.

Q. To the best of your knowledge and belief, was the party universally known, in all that neighbourhood, by the name of Taylor, and no other name?

A. Yes, he was.

General Loftus. Q. Do you recollect Mrs. Taylor and Miss Mary Ann Taylor calling at your house one day with a bill, or an instrument of that kind, to get cash for it?

A. They called at my house, and Mrs. Taylor wanted to borrow some money of me; she said she had a paper to give me as a security, which she would not trust with any body else.

Q. Did you state to them, that Mr. Chance was coming to your house on that day?—*A.* I did.

Q. Did they then know him to be the person that you knew as Mr. Taylor?—*A.* Yes.

[The witness was directed to withdraw.]

[The witness was again called in.]

Q. Did Mary Ann Taylor make any observation, upon your stating that Mr. Chance was coming?

A. She laughed, and said to the mother, We will say we only paid Mr. Smith a morning visit.

[The witness was directed to withdraw.]

[The witness was again called in.]

Q. What did Mrs. and Miss Taylor, or either of them

them, say or do, in consequence of your telling them Mr. Chance would be there that morning?

A. Miss Taylor said to the mother, We will tell my father, I think, I will not be positive, if he comes, that we only paid Mr. Smith a morning visit; they stopped a bit, and then they went away.

Sir John Sebright. *Q.* Are you quite sure, that when you told Mrs. Taylor and her daughter, this person was coming, you made use of the name of Chance; are you quite sure you did not say, Mr. Taylor is coming?

A. I am not quite sure; I think I said Mr. Taylor, by way of a compliment.

Q. Have you any means of knowing, that Miss Mary Ann Taylor knew her father by the name of Chance? and if you have, what are those means?

A. I have no means of knowing that she did.

[The witness was directed to withdraw.

[The evidence now closed, with respect to the particular charges.]

General the honourable CHAPPLE NORTON attending in his place, was examined by the Committee, as follows:

Right honourable Mr. Yorke. *Q.* Do you recollect the state in which the army was, when his Royal Highness took the command of it, in regard particularly, to the mode in which the promotions and commissions of the army were carried on?

A. I believe in former days, those officers who had great weight of interest, might have got promoted very rapidly, much sooner perhaps than was right or proper; his Royal Highness made, in my opinion, very salutary regulations to prevent that. I could, if it was not trespassing too much upon the time of the Committee, speak very fully to what I believe, and what has come to my knowledge, to have been the conduct of the Commander in Chief since he has been at the head of the army.

Q. State

Q. State any particular circumstances that are within your own knowledge, with reference to this particular part of the subject.

A. Perhaps of all others, this is a subject I am least able to speak to; but the conduct of his Royal Highness, with respect to the army in general, I can speak to at large. That he has done more service to the army than all his predecessors the Commanders in Chief; and I will state in what manner: in the first place, and what is very material, I recollect very well that his Royal Highness, I believe, was the instrument and the means, through the medium of this House, of giving bread to the soldier when he had little or nothing to eat; and I will exemplify that, by a conversation I had with a lieutenant-colonel of one of the best regiments in his Majesty's service, the late Lord Cornwallis's, Colonel York. I was very sensible of the very scanty pittance the soldier had to subsist on in this country, and I endeavoured to do what I could to assist in the measure; and Colonel York supplied me with a very strong instance, which was when the 33d regiment was about to return home from a foreign station. According to the articles of war, the commanding officer of each regiment so returning is to make known to his men, that any soldier who wishes to remain behind upon that station is at liberty so to do; the men of the 33d regiment informed Colonel York that it was their intention all to remain behind, and to continue abroad, because where they were they had sufficient to eat, and if they came to this country they should not have a dinner. His Royal Highness first got an allowance of bread to the soldiers, and afterwards of beer, and then their pay increased, and upon which the soldiers are very comfortable. If it was not wearying the time of the Committee, I could mention another very singular instance. After the American war, I recollect a soldier in my own company (I was in the Coldstream regiment of guards) that came home, and had been very severely wounded; he was discharged from the regiment, the regiment had nothing further then to do with him; he was recommended to Chelsea, but Chelsea had no means of taking care of him; and the man would have been left to perish, if it had not

been for the Quarter-master of the Coldstream, who went to the officers at Chelsea, and the officers at Chelsea did get the man taken care of. Since that (I take for granted his Royal Highness was very much the means of doing it) the York hospital was instituted ; so that the men have not been left in that distressed situation since the American war.

Q. In your opinion, have the condition and discipline of the army upon the whole declined or improved since his Royal Highness took the command.

A. I am one of those, unfortunately, who think there was a very good system in the army, with regard to discipline, before his Royal Highness came to the head of it.

Q. Referring to the time when his Royal Highness took the command of the army, and the latter part of Lord Amherst's time, has the state of the army improved since his Royal Highness took the command ?

A. There was a very good system then, or else our regiments would not have gained those advantages which they did ; and I really do not know that it is better now than it was then, if I am to speak my opinion.

The Right Honourable General FITZPATRICK, attending in his place, was examined by the Committee, as follows :

Q. Do you recollect the state in which the army was, when His Royal Highness took the command of it, in regard, particularly, to the mode in which the promotions and commissions in the army were carried on ?

A. I am persuaded that there is no officer of long standing in the service can recollect the state of the army previous to His Royal Highness taking the command, who will not be ready to testify the very great improvement which the army has derived, in every respect from His Royal Highness's management of it ; I do not presume to give this opinion on my own experience merely, having no pretensions myself but that of long standing in the army ; I consider myself as a competent judge of the question, I really believe the notoriety of this fact to every officer who has any knowledge or experience upon the
the

the subject, is such, as in my humble opinion, to have made any such reference to general officers wholly unnecessary; and all I have to say upon this subject is, that there is no officer in the army who will contradict the fact.

The Right Honourable the SECRETARY AT WAR (SIR JAMES PULTENEY) attending in his place, was examined as follows:

Q. Do you recollect the state in which the army was, when His Royal Highness took the command of it, in regard, particularly, to the mode in which the promotions and commissions in the army were carried on?

A. I can only say that I concur entirely in every syllable which was delivered by my right honourable Friend over against me*; with regard to the manner in which promotions were carried on before the present Commander in Chief assumed the command of the army, particularly in the period immediately preceding his appointment, there was certainly great abuse, and such as, if continued, must have proved highly detrimental to the service. It is notorious that rank in commissions and rank in the army, were got intirely by money, or, what was the same thing, by raising a certain number of men, indeed more generally by paying for it; there were many instances of officers who attained their rank of major, I believe of lieutenant-colonel, in the space of one or two years. His Royal Highness, soon after he assumed the command; established a regulation, in consequence of which no officer could attain the rank of captain, before he had served two years, nor that of field officer before he had served six, and I believe that those regulations have been rigidly adhered to, and have been of infinite service to the army.

Q. State whether in your opinion, upon the whole, the condition and discipline of the army have declined or improved during the time His Royal Highness has been Commander in Chief?

A. In expressing my concurrence with what had fallen from my Right Honourable Friend, I have answered that question. I certainly conceive that the condition of

* General Fitzpatrick.

of the army is very considerably improved, and I am certain that its discipline particularly (meaning the discipline in the field) has improved to a very great degree. I recollect when it was a matter of difficulty to place five or six regiments upon the ground, so, I mean, as to be enabled to act against an enemy; that operation is now performed with as much facility as that of placing a company; when those five or six regiments were so placed, it was a matter of great difficulty to make them move in an uniform line, that is now done with the utmost precision and facility: I therefore conceive, without going further, that the discipline of the army, and their power of action, have very considerably improved by the uniform system which has been produced under the auspices of the present Commander in Chief, and that to that great part of our military glory is owing.

The Right Honourable Sir ARTHUR WELLESLEY, K. B. attending in his place, was examined as follows:

Q. Do you recollect the state in which the army was, when His Royal Highness took the command of it, in regard, particularly, to the mode in which the promotions and commissions in the army were carried on?

A. With respect to the manner of conducting promotions in the army, I cannot say that I knew much about it before the present Commander in Chief was appointed; I rather believe, however, from all I have heard, that it was very irregularly conducted; that a regulation which existed at that time, that no officer should be made a captain till he had served two years, was frequently broken through, and that much injustice was done to many old officers in the army; I know that since His Royal Highness has had the command of the army, the regulations framed by him for managing the promotion of the army have been strictly adhered to, and that the mode in which the promotion is conducted has given general satisfaction. I must also state that, besides my knowledge as a general officer of the army, of the mode in which the promotions of the army are conducted, I have

have some knowledge of it from my official situation ; and having had frequently to apply to His Royal Highness for promotion for different officers, in consequence of applications which have been made to me, I have never found, in any one instance, that His Royal Highness has departed from the regulations laid down for the promotion of the army, or that he has done injustice to any individual. I must also state, that in applying to His Royal Highness, which I frequently do for ensigncies, I have found His Royal Highness invariably ready to attend to my applications, and I also know that many persons have got commissions from His Royal Highness, by applying direct to him, without coming through me. In respect of the state of the army, I can say from my own knowledge, as having been a Lieutenant-Colonel in the army when His Royal Highness was appointed to command it, and having a very intimate knowledge of it since that it is materially improved in every respect ; that the discipline of the soldiers is improved ; that, owing to the establishments formed under the directions of His Royal Highness, the officers are improved in knowledge ; that the staff of the army is much better than it was, and much more complete than it was ; that the cavalry is improved ; that the officers of the cavalry are better than they were ; that the army is more complete in officers ; that the system of subordination among the officers of the army is better than it was, and that the whole system of the management of the cloathing of the army, the interior economy of the regiments and every thing that relates to the military discipline of the soldiers, and the military efficiency of the army, has been greatly improved since his Royal Highness was appointed Commander in Chief.

Q. Do you consider the improvement you have specified, to be owing to the personal superintendence and personal exertions of His Royal Highness the Commander in Chief?

A. The improvements to which I have adverted, have been owing to the regulations of his Royal Highness, and to his personal superintendence and his personal exertions over the general officers and others who were to see those regulations carried into execution.

General MATHEW also bore testimony to the excellent state of the British army.

General GROSVENOR attending in his place, made the following statement :

I wish to state my humble testimony of the high sense I entertain of the advantages the army has derived from the zeal, attention and care, of His Royal Highness the Commander in Chief.

The evidence on both sides here closed.

The CHANCELLOR of the EXCHEQUER said, that the whole of the printed minutes would probably be delivered to the members on Monday, and it was every way desirable that this great question, which had engaged the public attention to so great a degree, should be put to rest as soon as it could be done consistent with the ends of justice. As the Members had already the greater part of the printed Minutes, and would have the conclusion of them on the ensuing Monday, he thought that the following Thursday or Friday might be fixed on for the discussion.

A short conversation then took place, and Colonel WARDLE declared, that it was to him a matter of indifference what day was fixed on.

The House was then resumed, and the Report of the Committee was ordered to be received on Thursday.—Adjourned at Three o’Clock.

APPENDIX.

No. I.

COLONEL FRENCH'S LEVY.

(No. 1)—TERMS proposed to raise a Corps of 5,000 Men to complete the old Regiments.

THAT an allowance be made of twenty-five guineas for each man approved at the appointed depôts, which are below mentioned.

That no man is to be enlisted above 35 years of age nor under 5 feet 5 inches, but well made growing lads between 16 and 18 years of age may be taken at 5 feet 2 inches.

That an allowance to be made of twenty guineas for growing boys, approved as above, under 16 years of age, at 4 feet 6 inches.

(No. 3) That the above sums of twenty-five guineas for men, and twenty guineas for boys, are to serve as a fund to subsist the recruits until finally approved at the appointed depôts, to pay their bounties, to afford pay to the officers employed on this service to furnish clothing, appointments, and pay to the non-commissioned officers, drummers, &c &c &c In short this fund is to cover all recruiting expences and casualties whatever

The recruits are to be engaged without limitation as to the period or place of their services; and such corporals it may be found expedient to employ, are to be given to understand, that they are liable to be drafted as privates into the old regiments

Each recruit is to be provided with the following slop clothing, viz a plain red cloth jacket, so made as to button close to the body, and to have a stand up collar, a short waistcoat lined with flannel, a pair of long mixed-coloured cloth trousers, and one plain round black hat and cockade.

An allowance to be made of £1 7 6 for the expence of slop clothing for each approved recruit

That the bounty given to the recruits, not exceed that given by the line.

It is submitted, that the following places are to be fixed upon for depôts (as considered best calculated to expedite the service) where the recruits are to be finally passed by an inspecting field officer, or
such

such other officer as may be authorized by His Royal Highness the Commander in Chief Edinburgh, or Berwick upon Tweed, the Isle of Man, Tilbury Fort, Corke, and the Isle of Wight.

That the officers employed on this service, upon being approved by the Commander in Chief, are to be Gazetted, and have temporary rank in the army

That Government in the first instance is to issue an advance, in order to enable the levy to proceed.

And it is humbly hoped, if the chiefs of this levy carry into prompt and successful effect (which they pledge themselves to do) a measure of such magnitude and importance, that their exertions will have the honour of meeting the approbation and consideration of His Royal Highness the Commander in Chief.

And notwithstanding the high bounties now given to recruits for the army of reserve and militia, they are now prepared to commence the proposed levy immediately, trusting to their strenuous exertions and attention.

J FRENCH,

Colonel, late 102d Foot.

H. SANDON, late Lt Col of North Middx.

Regt of Militia, and now Captain in the
Royal W. Tram.

London, Feb 1st 1804.

(No 2)—PROPOSALS to raise 5,000 men to complete the old Regiments.

To carry into efficient effect a levy on so extensive a scale, it is submitted that the following non-commissioned officers should be allowed, which are considerably under the usual complement for the number of privates—95 serjeants, 90 corporals, 40 drummers, with the usual allowance of paymaster, quarter-master, adjutant, and surgeon. On completing the first 500 men, to be allowed to recommend three captains, two lieutenants, three ensigns, a quarter-master, and adjutant. On completing the first 1000, to be allowed to recommend one field officer, two captains, two lieutenants, and three ensigns, and so on progressively until the whole levy of 5000 men is completed. The officers recommended, are not to dispose of their former commissions. To be allowed levy money at the rate of £15 for each approved recruit.

The bounty to each recruit to be the same as that paid by the line. Slop cloathing at £1 7 6 per man to be allowed

J FRENCH,

Colonel, late 102d Foot

H SANDON, Capt R. W. Tram, and Deputy
Lt Coun of Middx

Memorandum.

The letter of service granted to Colonel French and Captain Sandon, is dated the 30th April, 1804.

The

The levy money was augmented from thirteen guineas to nineteen guineas for each approved recruit, from the 23th June, 1804.

The levy was discontinued on the 23d April, 1805.

C. H.

(No 2)—NOTE from Colonel French to Colonel Clinton; March 5th, 1804.

Col French presents his compliments to Colonel Clinton. he hopes he will excuse his taking the liberty of requesting to know, if the proposals submitted to the Commander in Chief by Col French and Col. Sandou, have met with the approbation of his Royal Highness.

March 5, 1804, Cecil-street Coffee-house, Strand.

(No 3)—Copy of a LETTER from Colonel Clinton to Colonel French.

Sir,

Horse Guards, 7th March, 1804.

In reply to your note of the 5th inst I have it in command to acquaint you, that you should address yourself on the subject of the proposal to which you allude to Lieutenant General Hewett, who will give it every consideration, and should he deem your plan to be eligible, will then submit it for the Commander in Chief's consideration.

Colonel French,
Cecil-street Coffee-house,

I have, &c.
(Signed) W H CLINTON.

(No. 4.)—LETTER from Colonel French to Colonel Clinton, dated 20th March 1804; enclosing Terms for raising a Corps of 5,000 Men for General Service.

Cecil-street Coffee-house, Strand,
March 20th, 1804.

Sir,

In consequence of the circumstance which you stated to me for consideration yesterday, respecting the terms proposed for raising a corps of 5,000 men for general service, and as that point only, viz. the amount of levy money proposed for the recruits, appears to be objectionable to His Royal Highness the Commander in Chief; Captain Sandou and myself, anxious to render our humble exertions acceptable to His Royal Highness, herewith have the honour to inclose terms, wherein we have changed the levy money for each approved recruit from £12 to 10 guineas, which we hope will meet with the approbation of His Royal Highness

I have the honour to be, Sir,

Your most obedient humble servant,

Colonel Clinton, &c

J FRENCH,
Col. late 102 Foot.

PROPOSALS

PROPOSALS to raise Five Thousand Men, to complete the old Regiments.

To be allowed to appoint 90 serjeants, 90 corporals, and 60 drummers

Their subsistence to commence from the dates of their actual appointments as such. The one half of the above to be reckoned as part of the complement of the first five hundred, and the remainder as part of the first thousand.

To be allowed levy money at the rate of ten guineas for each recruit passed at the depôts which are hereafter mentioned, together with their subsistence from the dates of attestations, but subsistence and slop clothing only for rejected men

Not to enlist any man above the age or under the size directed by the recruiting instructions for the line. The same rule to apply respecting boys — * *Qu. As to the number of boys, and the bounty to be allowed growing lads, as regiments are allowed*

Agreeably to what was allowed to the levies for general service the last war.

It is proposed that for such recruit as may receive an intermediate approval by an inspecting field officer of a district, and afterwards desert, an allowance will be made of three guineas, provided it appears no improper delay has taken place in sending such recruit forward for final approval.

That the men are to be engaged without limitation as to the period and place of their service; and the corporals, when approved, placed

are to be given to understand that they are liable to be drafted as privates into the old regiments. Of the serjeants, the one half are to be allowed their discharge at the completion of the levy, if they desire it; the remainder, and the drummers, are to be transferred as such — *It is presumed that the public are not to be charged with bounty for the serjeants*

for effective

The actual expence for the clothing and appointments of the non-commissioned officers and drummers to be allowed provided by government

Each man to be provided with the following slop clothing:—A plain red cloth jacket, so made as to button close to the body, and to have a stand-up collar; a short red waistcoat lined with flannel; a pair of long mixed coloured cloth trousers, and one plain black hat and cockade — *Qu. Whether any clothing is necessary till the recruits are approved and attached to regiments.*

That he shall, out of his bounty, be supplied on his final approval, with such necessaries as are pointed out in the instructions for the recruits of the line; and he shall be free from debt.

That an allowance is to be made for the slop clothing of one pound

* The lines in italic are queries and observations to the Proposals.

pound seven shillings and sixpence for each recruit specified as above — *Very objectionable.*

That the bounty to each recruit is to be the same as is now paid by the line — *Care must be taken to secure the recruits receiving the bounty*

To be allowed during the levy the assistance of ten officers, whose names are to be stated to His Royal Highness the Commander in Chief for his approbation; and such of these as may be upon the half-pay during their services, to be allowed full-pay

That Government in the first instance shall grant an issue, in order to enable the levy to proceed without delay

To be allowed, during the levy, the usual allowance of adjutant, paymaster, surgeon and quarter-master — *Provided they are effective.*

At the completion of the first 500 men, to be allowed to recommend two captains, two lieutenants, two ensigns, a quarter-master and adjutant.

Upon completing the first 1000, to be allowed to recommend one field officer, one captain, two lieutenants, and two ensigns; and so on progressively until the levy is completed

The officers recommended not to be allowed to dispose of their former commissions. The dates of the commissions of the officers recommended to take place from the date of the letter of service — *This appears a very objectionable measure. It would, in our humble opinions, be preferable to give Col French a considerable compensation on the completion of his levy, than to open this door to abuse, and give up such a degree of patronage to an individual*

The following depôts to be fixed upon where the recruits are to be finally approved by an inspecting field officer, or other officer, as the Commander in Chief may judge proper to authorize. — Tilbury Fort *, the Isle of Wight, the Isle of Man *, Edinburgh *, or Berwick on Tweed, Cork *, Dublin * — * *Objectionable*

J. FRENCH, Colonel late 102 Foot.

H. SANDON, Capt R Wag Tram, late Lieut Col. North Middx Regt and Deputy Lieut. for the County of Middx.

Cecil-street Coffee-house, Strand,
20th March 1804.

2½ for growing lads.
4 guineas for men

(No. 5) LETTER from Colonel French to Colonel Clinton; dated 15 April 1804. — (Three Inclosures.)

Colonel French trusting to the known goodness of His Royal Highness the Commander in Chief, presumes to offer some observations respecting the terms (in behalf of himself and Captain Sardon) which he had the honour of laying before His Royal Highness, for raising a corps of 5,000 for general service, and those which have been communicated by Colonel Clinton. He begs, in the first instance, to refer His Royal Highness to a comparative statement, herewith

herewith inclosed, between the proposal he had the honour to lay before His Royal Highness for raising 5,000 men for general service, and the plan adopted by Government to raise an equal number by regiments. The difference in favour of the plan of the levy, in point of saving to the public, is obvious. However, it appears that Government, instead of granting the recommendation of commissions in raising the levy, are disposed to allow a specific sum above the levy money; which sum, Colonel Clinton has mentioned, it is proposed should be two guineas, a consideration *by no means* one-half of what would have been allowed (though so favourable as has been made appear to Government) by the Commissions.

From the insight and knowledge possessed by His Royal Highness of the recruiting service, it is scarcely necessary to represent the various heavy extra expences attending an undertaking of such magnitude, the very great attention and activity required on the part of the undertakers, with great attendant charges, the absolute necessity (besides a multiplicity of rendezvous) of having, in the most populous towns, houses fitted up as barracks, with every kind of convenience for the accommodation and health of the recruits; the risk of bad debts by the imprudence of some officers, which, with every precaution, commanding officers are liable to, particularly on the present extended scale. In short, the various expences attendant on such a service cannot but absorb, or at least very nearly, the two guineas proposed. Under these circumstances, and fully confident of His Royal Highness's liberality, blended with public economy, it is humbly proposed to the Commander in Chief, that further addition of Two Guineas, under whatever head His Royal Highness may judge most proper may be allowed.

No 9, Duke-street, Adelphi, April 15, 1804.

C L acquaints Col French that H R H cannot recommend any other terms being acceded to than those with which he has been made acquainted.

The following is submitted to the consideration of His Royal Highness the Commander in Chief

J FRENCH,
Colonel late 102d Foot.

For the farther encouragement and expediting the completion of the levy, the sum of two guineas per man (under the head of *bringing money*) will be allowed in your public accounts, to be disposed of in such a manner as you shall judge most conducive to the purposes for which it is intended.

Difference

Difference of Expenses to Government, on the reduction to Half-pay (exclusive of the period of full-pay), between a Levy proposed of 5,000 men for general service, and the same number of men to be raised in five regiments of 1,000 men each, upon the Plan now adopted by Government.

Officers for the Levy in proportion as it advances to com- pletion.		Officers for 5 Regiments.	Difference.
Field Officers - - - 5	Field Officers { Lt. Colonels 5 } 10	5 Field Officers	
Captains - - - 15	Captains - - - 50	35 Captains	
Lieutenants - - - 20	Lieutenants, 2 per Company of 100 men - - - 100	80 Lieutenants	
Ensigns - - - 20	Ensigns - - - 50	30 Ensigns	

Total difference—5 Field Officers—35 Captains—80 Lieutenants—30 Ensigns. Additional Charge upon the Half-pay List to that of raising 5,000 by the proposed Levy for General Service.

No. 6.—Copy of a Letter from Colonel Clinton to Colonel French ; dated 18th April, 1804.— (One Inclosure.)

Sir,

Horse Guards, 18th April, 1804.

I have it in command, to return you a Copy of the Proposals you made to raise Five Thousand men to complete the old Regiments of the Line, with the Commander in Chief's Remarks thereon in Red Ink ; and to acquaint you in reply to your Letter of the 15th instant, that His Royal Highness cannot recommend any other terms being acceded to, than those herewith transmitted.

Colonel French,

I am, &c.

No 9, Duke-street, Adelphi.

(Signed) W. H. CLINTON.

proposals to raise Five Thousand Men to complete the old Regiments.

To be allowed to appoint 90 Serjeants, 90 Corporals, and 60 Drummers.

** The Non-commissioned Officers and Drummers to be previously approved of by an Inspecting Field Officer of a Recruiting District*

The Drummers to be of the same age and standard of Boys, as specified in the Recruiting Instructions.

Their Subsistence to commence from the dates of their actual appointments as such. The one half of the above to be reckoned as parts of the complement of the first 500, and the remainder as part of the first 1,000.

Such as are approved at the appointed Depôts.

To be allowed Levy Money at the rate of ten Guineas for each Recruit passed at the Depôts, which are hereafter mentioned, together with their Subsistence, from the dates of attestations, but Subsistence and Slop Clothing only for rejected Men.

Not to enlist any Man above the age, or under the size directed by the Recruiting Instructions for the Line. The same rule to apply respecting Boys.

Agreeably to what was allowed to the Levies for general service last war.

Thirteen Guineas Bounty for Men. The Bounty allowed and Sum after mentioned is to cover every expence ; consequently no charge as Subsistence for rejected Men, or any charge for Slop Clothing will be allowed, as the Recruits on approval will be clothed at the Dépôt, by the Regiments to which they are appointed.

No Subsistence can be allowed for any Recruit, but from the date of the approval at the several Depôts ; but with a view to cover any extra expences that may be incurred by the men having been enlisted a considerable time previous to their being approved, Colonel French will be allowed to enlist Ten Boys in each Hundred Recruits, for whom he will receive the same Bounty and Allowance as for the others.

It is proposed that for such Recruit as may receive an intermediate approval by an Inspecting Field Officer of a district, and afterwards

* The Remarks printed in *Italics*, were, in the manuscript Copy, written in Red Ink. desert,

desert, an allowance will be made of three Guineas, provided it appears no improper delay has taken place, in sending such Recruit forward for final approval.

As the final approval is to take place at the Dépôts, no intermediate approval is to be allowed.

That the Men are to be engaged without limitation, as to the period and place of their service; and the Corporals when approved, are to be given to understand that they are liable to be drafted as Privates into the old Regiments.

The Drummers the same.

Of the Sergeants, the one half are to be allowed their discharge at the completion of the Levy, if they desire it; the remainder, and the Drummers, are to be transferred as such.

The whole of the Non-commissioned Officers must necessarily be enlisted in the first instance as Privates, such only receiving the Bounty as may afterwards be posted to such Regular Corps as The Commander in Chief may direct, and which Bounty can only be paid when so posted

Referred to the inclosed Paper.

The actual expence for the Clothing and Appointments of the Non-commissioned Officers and Drummers to be allowed.

The Clothing &c to be furnished for the effectives by Government.

Each Man to be provided with the following Slop Clothing: a plain red cloth Jacket, so made as to button close to the body, and to have a stand-up collar; a short red Waistcoat lined with flannel; a pair of long mixed coloured cloth Trowsers; and one plain black Hat and Cockade.

As the Recruits on their approval at the Dépôt will be immediately posted to Regiments, no Slop Clothing appears requisite.

That he shall, out of his Bounty, be supplied on his final approval, with such necessaries as are pointed out in the Instructions for Recruits of the Line, and he shall be free from debt.

Answered by the foregoing remark

That an allowance is to be made for Slop Clothing of one Pound seven Shillings, and Sixpence, for each Recruit, specified as above.

Ditto.

That the Bounty to each Recruit is to be the same as is now paid by the Line.

On approval, the Recruit must certify that he has received the whole of the Bounty he has been promised

To be allowed during the Levy the assistance of Ten Officers, whose names are to be stated to his Royal Highness the Commander in Chief, for his approbation, and such of these as may be upon the Half pay during their services to be allowed Full Pay

That Government in the first instance shall grant an Issue, in order to enable the Levy to proceed without delay.

No objection; but it is to be clearly understood that Government reserves to itself the power of discontinuing the Levy in toto, if 4,000 Men are not raised and passed at the Dépôt in nine months from the signing of this Letter of Service, or that the 5,000 have not been raised and passed in thirteen months from the same date.

To be allowed during the Levy, the usual allowance of Adjutant, Paymaster, Surgeon, and Quarter-master.

Not necessary, as they are to be passed at the Depôts; but an Officer above the ten will be allowed, who must be resident at each of the Depôts during the Levy

At the completion of the first 500 Men, to be allowed to recommend two Captains, two Lieutenants, two Ensigns, a Quarter-master, and Adjutant.

Upon completing the first thousand, to be allowed to recommend one Field Officer, one Captain, two Lieutenants, and two Ensigns, and so on progressively, until the Levy is completed.

The Officers recommended not to be allowed to dispose of their former Commissions. The dates of the Commissions of the Officers recommended, to take place from the date of the Letter of Service.

In lieu of any nomination of Officers, an allowance at the rate of Two Guineas per Man, over and above the beforenamed sum of thirteen Guineas, shall be paid, whenever 500 Men shall have been passed at the Depôt, and that for every other 500 Men so passed, the like additional sum of two Guineas will be allowed by Government, which is considered to be a very ample gratification for the possible risk or failure in the undertaking.

The following Depôts to be fixed upon where the Recruits are to be finally approved by an Inspecting Field Officer, or other Officer, as the Commander in Chief may judge proper to authorize:—Tilbury Fort, the Isle of Wight, the Isle of Man, Edinburgh, or Berwick on Tweed, Cork, Dublin.

The Isle of Wight, Dublin, and Edinburgh, to be the only Depôts.

(Signed) J. FRENCH, Colonel late 102d Regiment.

Cecil-street Coffee-House, II. SANDON, Captain R. Waggon Train,

Strand, 20th March, 1804. late Lt. Col. N. Middx. Regt. and
Depy. Lieut. for the County of Middx.

No. 7.—Letter from Colonel French to Colonel Clinton; dated 20th April, 1804—(One Inclosure)

Sir, No. 9, Duke-street, Adelphi, April 20th, 1804.

I have the honor herewith to return the Terms proposed on the part of Capt. Sandon and myself, (with the Remarks of the Commander in Chief) for raising 5000 Men for general service. We trust His Royal Highness will have the goodness to take into favourable consideration the Observations inserted in the margin, as well as those herewith inclosed, which are referred to in the margin.

Colonel Clinton, &c. I have the honor to be, Sir,

Your most obedient humble Servant,

J. FRENCH, Col. late 102d Foot.

Memorandum from Colonel French.

The reason for submitting that one half of the Serjeants should be discharged at the conclusion of the Levy, (agreeably to what was allowed in former Levies) is because it has generally been judged expedient to employ a certain number of steady and experienced persons as Serjeants; men very proper as recruiters, but not perhaps fit for active service. We

We further submit, that the Levy of one half of the Serjeants will be allowed, on compleating the first five hundred, and the remainder on compleating the first thousand. The Serjeants of course to be attested as Privates. It is submitted, that it would appear singular to the Serjeants, that no Bounty should be allowed them until so distant a period as the completion of the Levy, when attested and passed at the commencement. It would occasion a great loss of time and expence, to send the Serjeants and Drummers to the Isle of Wight for approval, as they would have to march from distant and different parts of the empire, and return. But it is to be understood, these Serjeants and Drummers are again ultimately to be brought forward and disposed of into Regiments of the Line.

The Commander in Chief agrees to one-half of the Serjeants being discharged, as required; but in the first instance they must be enlisted and attested as Privates, in order that they may be amenable to Military Law; but at the same time it may be noted in their attestations, that they are to be discharged on the completion or discontinuing of the Levy.

Those who may be approved as fit for service, will be allowed the Bounty, on approval at any of the Depôts.

No 8.—Copy of Letter from Colonel Clinton to Colonel French, dated 20th April, 1804. (One Inclosure.)

Sir,

Horse Guards, 20th April, 1804.

Having laid before the Commander in Chief your Letter of this day, submitting for His Royal Highness's consideration, certain alterations proposed in your Terms for raising Men; I have it now in command to return the enclosed Papers, by which you will observe how far His Royal Highness has been pleased to accede thereto, and to acquaint you, that on your signifying to me your readiness to undertake the Levy on the terms specified, the necessary directions will be given for expediting a Letter of Service, to enable you to proceed therewith.

Colonel French,

I have, &c.

No. 9, Duke-street, Adelphi.

(Signed)

W. H. CLINTON.

MEMORANDA from Colonel French.

The reason for submitting, that one half of the Serjeants should be discharged at the conclusion of the Levy, (agreeably to what was allowed in former Levies) is because it has generally been judged expedient to employ a certain number of steady and experienced Persons as Serjeants; men very proper as recruiters, but not perhaps fit for active service.

The Commander in Chief agrees to one half of the Serjeants being discharged as required, but in the first instance they must all be enlisted and attested as Privates in order that they may be amenable to Military Law; but at the same time it may be noted in their attestations, that they are to be discharged on the completion or discontinuing of the Levy.

We further submit, that the Levy of one half of the Serjeants will be allowed, on completing the first five hundred, and the remainder on completing the first thousand. The Serjeants of course to be attested as Privates.

It is submitted, that it would appear singular to the Serjeants that no Bounty should be allowed them until so distant a period as the completion of the Levy, when attested and passed at the commencement. It would occasion a great loss of time and expence, to send the Serjeants and Drummers to the Isle of Wight, for approval, as they would have to march from distant and different parts of the Empire, and return. But it is to be understood, these Serjeants and Drummers are again ultimately to be brought forward and disposed of into Regiments of the Line.

Those who may be approved as fit for service, will be allowed the Bounty on approval at any of the Depôts.

No. 9.—Letter from Colonel French to Colonel Clinton

Sir, 9, Duke-street, Adelphi, April 21st, 1804.

I have the honor to acknowledge the receipt of your Letter of yesterday's date, inclosing the Terms, with certain alterations, upon which the Commander in Chief will be pleased to grant a Letter of Service. I herewith return the same, and, on the part of Capt. Sandon and myself, beg leave to say we accept the same.

I have the honor to be, Sir,

Colonel Clinton, &c. Your most obedient humble Servant,
J FRENCH, Colonel late 102d Foot.

No. 10.—Copy of a Letter from Colonel Clinton to Mr Moore

Sir, 23d April, 1804.

I am commanded by the Commander in Chief to transmit for the purpose of being laid before the Secretary at War, the inclosed copy of Proposals made by Colonel French and Captain Sandon, for raising 5,000 Men, to complete the Regiments of the Line; and from the Remarks (in red ink) made thereon by H. R. H., Mr. Bragge will be enabled to judge how far the Terms have been acceded to; and I have therefore to request that you will be pleased to move Mr. Bragge to give the necessary directions for expediting a Letter of Service, to enable Colonel French and Captain Sandon to proceed with their Levy.

I have, &c.

Francis Moore, Esq &c. (Signed) W. H. CLINTON.

No. 11.—Letter from Mr. Moore to Colonel Clinton.

Sir, War Office, 26th April, 1804.

I have the Secretary at War's directions to transmit herewith, for the consideration of the Commander in Chief, the draught of a Letter of Service to Colonel French and Captain Sandon, framed according to the Terms inclosed in your Letter of the 23d instant.

You will be pleased to state to His Royal Highness, that Mr. Bragge, adverting to what has taken place in former Levies, is induced most particularly to recommend that it should be a condition of the engagement now under consideration, that the Recruits should receive the full Bounty required by the General Recruiting Instructions; or that, at all events, the Bounty to be paid to each Recruit should not be less than a certain sum fixed by the Letter of Service.

I have the honor to be, Sir,

Colonel Clinton, &c. Your most obedient humble Servant,
F. MOORE.
No.

No. 12.—Copy of a Letter from Colonel Clinton to Mr. Moore.

Sir,

27th April, 1804.

Having laid before the Commander in Chief, your Letter of yesterday's date, transmitting the draft of a Letter of Service to Colonel French and Captain Sandon, (herewith returned) and stating the Secretary at War's opinion, "that it should be a condition of the engagement, that the Recruits should each receive the full Bounty required by the General Recruiting Instructions, or that the Bounty should not be less than a certain sum fixed by the Letter of Service;" I have it in command to acquaint you, for Mr. Biagge's information, that as each Recruit, on approval at the Dépôt, is to sign a Certificate that he has received the full Bounty promised him, H. R. H. thinks that the consequences, which Mr. Biagge seems to apprehend, from no certain sum being fixed as Bounty, are not likely to ensue, and that therefore the Article alluded to may remain as already fixed on.

The Commander in Chief however suggests, that a Clause should be inserted with a Letter of Service, requiring that a sum, equal to what may be fixed by the Recruiting Instructions in force at the time should be deducted from the Levy Money allowed to furnish the Recruits with such necessaries as may be requisite on their final approval at the Dépôts specified.

I have, &c.

Francis Moore, Esq. &c.

(Signed) W. H. CLINTON.

No. 13.—Copy of a Letter from the Secretary at War to Colonel French, of the late 102d Foot, and Captain Sandon, of the Royal Waggon Train.—(Letter of Service.)

Gentlemen,

War-Office, 30th April, 1804.

I have the honour to acquaint you, His Majesty has been pleased to approve of your raising five thousand men, to be turned over to the regiments of the line in His Majesty's service, upon the following conditions.—The recruits are to be engaged without limitation as to time and place of service. You will be allowed thirteen guineas levy money for each recruit finally approved at one of the following dépôts; viz. the Isle of Wight, Dublin, and Edinburgh; out of which levy money a sum equal to what may be fixed by the recruiting instructions in force at the time is to be appropriated to furnishing the recruits with necessaries on their final approval, exclusive of the actual sum which may have been received by the recruit. The subsistence of the recruits, the extra allowance to inn-keepers, the allowance for beer, and any other daily charge, will only be allowed to commence from the date of approval of each Recruit; but with a view to cover any extra expences that you may incur, by the men being enlisted a considerable time before their approval, you will be allowed to enlist ten boys in every 100 recruits, for whom you will receive the same bounty and allowances as per men. The men and boys respectively are to be of the age and size directed by the general recruiting instructions of the army. No charge for slop cloathing, for the non-commissioned officers or recruits will be admitted, as, on approval, the latter will be clothed at the dépôts by the regiments to which they shall be at once attached. No intermediate approval of the recruits is to take place; and, consequently

quently, neither bounty, subsistence, nor any other charge will be allowed for such as shall be rejected at the several depôts. Each recruit, on approval at the depôt, is to sign a certificate, that he received the full bounty promised to him. You will be allowed to appoint 90 serjeants, 90 corporals, and 60 drummers, who must be previously approved by an inspecting field officer or a recruiting district. The drummers are to be of the age and standard of boys, as specified in the recruiting instructions. The subsistence of the above-mentioned non-commissioned officers and drummers is to commence from the dates of their actual appointment as such. Half of them, if finally approved at the depôts, are to be reckoned as part of the complement of the first five hundred recruits for your levy, and the remainder as part of the first thousand. The corporals and drummers are to be given to understand, that they are liable to be drafted as privates into the old regiments.

The whole of the non-commissioned officers and drummers must, in the first instance, be enlisted and attested as privates, and these attestations transmitted to this office immediately on approval. One half of the serjeants may be enlisted with the condition of their being discharged at the conclusion of the levy, which circumstance is to be noticed in their respective attestations. The bounty of thirteen guineas will be allowed for such of the non-commissioned officers and drummers as shall be finally approved at the depôts, as part of your levy. Cloathing will be provided, under the orders of government, for the effective non-commissioned officers and drummers employed as above-mentioned. You will be allowed, during the levy, the assistance of ten officers, whose names are to be stated to his Royal Highness the Commander-in-Chief for his approbation; and such of these officers as may be on half pay, are to receive full pay during their service with your levy subsequently to such approval. As the men are to be passed at the depôts, it is not thought necessary to make you an allowance for an adjutant, paymaster, surgeon, or quarter-master, but an officer above the ten will be allowed, to be resident at each depôt during the levy. In lieu of giving you permission to nominate any officers for commissions, an allowance at the rate of two guineas per man, over and above the before-mentioned sum of thirteen guineas will be made to you whenever 500 men shall be passed at the depôts; and for every 500 men subsequently passed, the like extra allowance of two guineas per man will be made to you. The stipulated allowance of thirteen guineas each, for the approved recruits, will be issued immediately on their approval, by the paymasters residing at the respective depôts, by draughts upon the agents of the corps to which the men and boys may be attached, and the recruits will be afterwards subsisted through the same channel, or by the district paymasters, until they join regiments. The pay of the commissioned officers, non-commissioned officers, and drummers, employed in the levy, is to be received from the paymasters of the recruiting district in which they shall be respectively stationed, who will draw for the same upon the general agents for recruiting in London and Dublin respectively, rendering distinct pay lists of their expenditures on this head to this office. If, however, any of the commissioned officers should be on full pay in the existing regiments, the distinct paymasters will draw for the pay of such officers
on

on their respective regimental agents, in the same manner as for that of other officers employed in the recruiting service. In consequence of this arrangement, it is presumed, that your advances, on account of the levy, will be so inconsiderable as scarcely to require any imprest of money into your hands, in the first instance, but if you should find some assistance absolutely necessary, there will be no objection to your receiving a moderate sum on account, giving security for the immediate repayment thereof when desired. It is to be clearly understood, that government reserves to itself the discretion of discontinuing the levy entirely, in case 4 000 men are not raised and passed within nine months from the date of this letter, or in case the whole 5,000 men are not raised and passed within thirteen months from the same date. In the execution of this service I am to assure you of every assistance that this office can afford.

Col. French, of the late 102 foot, and
Capt. Sandon, of the Royal Waggon Train.

I have, &c.
C BRAGGE.

No. 14.—Copy of a Letter from Colonel Clinton to F. Moore, Esq.—
(With two enclosures.)

Sir,

Horse Guards, 31st May, 1804.

I am directed by the Commander-in-Chief to refer to you here with a note from Colonel French, relative to the pay of the non-commissioned officers and drummers of his new levy; and his Royal Highness thinking, from the circumstances stated, that there appears no objection to what is requested by the Colonel in regard to the subsistence of his non-commissioned officers and drummers, provided that any back pay that may be issued for them be actually received by them, and for which their acknowledgements will be of course required, desires that you will be pleased to lay the same before the Secretary at War, with his recommendation that Colonel French's request may be complied with.

I have, &c.

Francis Moore, Esq. &c.

W. H. CLINTON.

Sir,

Horse Guards, 25th June, 1804.

I am commanded, by the Commander-in-Chief, to acquaint you, for the information of the Secretary at War, that, in consequence of the levy money for recruits for general service being raised to nineteen guineas, Colonel French and Captain Sandon are to receive the augmented levy money for each approved recruit raised by them.

I have, &c.

F. Moore, Esq.

W. H. CLINTON.

Copy of a Letter from the Deputy Secretary at War to Colonel French and Captain Sandon; dated 28th June, 1804.

Sir,

War-Office, 28th June, 1804.

The rate of levy money for the infantry of the line having been augmented to nineteen guineas, by the general orders from head-quarters dated 16th instant, I am directed to acquaint you, that the like sum will be allowed for each of your recruits raised subsequently to the receipt thereof, instead of thirteen guineas, as specified in your letter of Service.

Col. French.
Capt. Sandon.

I am, &c.
F. MOORE.

No.

No. 15.

London, Cecil Street Coffee-house, Strand,

Sir,

January 15th, 1805.

Your Royal Highness I hope will have the goodness to excuse this intrusion, as my intention was to have done myself the honour of personally presenting the enclosed letter to your Royal Highness this day, but on account of your Royal Highness's not holding a levee, I presume to take the liberty of transmitting it in this manner. The particular situation in which I obviously stand with Brigadier General Taylor, who inspects my recruits in Ireland, and a delicacy not to be troublesome to your Royal Highness, has hitherto held me silent on the subject of Brigadier General Taylor's most unaccountable and persevering hostility to my levy. It is with concern I must declare that he has, with diligence, taken every step to render abortive my unremitted exertions to carry into effect the intentions of your Royal Highness in honouring me with the letter of service. At length I feel myself called upon, by duty, and in justice to myself, to state the circumstances. The present inspector general having lately had the goodness to give instructions to Brigadier General Taylor, relative to some arrangements of my non-commissioned officers, I communicated the same to Quarter-master Fawcett, of the levy recruiting in Dublin (for his guidance) who waited upon Brigadier General Taylor on the occasion. The reception he met with is stated in his letter; and it is with deep regret I must add, that this proceeding, on the part of the Deputy Inspector General in Ireland, is but a continuation of what my levy has experienced from him since its commencement there.

I have the honour to be, Sir,

Your Royal Highness's respectful and dutiful servant,

His Royal Highness the Commander-in-Chief,

J. FRENCH.

&c. &c. &c.

Colonel.

(Private.)

Sir,

Dublin, 8th January, 1805.

The esteem I have for you, and zeal for his Majesty's service, I am sorry to say, leaves it out of my power to forward your levy as I could wish, from the treatment I have received from Brigadier General Taylor. Your letter, dated the 3d instant, I received the sixth, afternoon; and the next morning waited on Lieut. Morton with it; he desired me to take it to General Taylor. The general looked at it, read part, threw it on the table; said he knew nothing about it, or words to that effect. After a short pause, he raised his voice, and said he had received a letter, laying his hand upon it, it being open before him. He then began about the serjeants; then the money—the serjeants and the money—so that I was heartily tired of his sermon. After some time he concluded with saying, "You are no levy;" how came you by that name of Levy? nor did he, in part of his oration, forget the word *Crimp*. It would take a quire of paper to give you a full detail. Adjutant Fosse was the only person present. Like on former occasions it may be denied; but I give you my honour that what I have stated are facts. I wish you to come here as soon as possible: he is doing every thing in his power to throw us on our backs:—I am so hurt I have not spirits to carry on your business:

business.—I am sorry to distress your mind ; but 'tis impossible for me to stand it.

Colonel French, &c

I am, Sir, Your obedient servant,

OWEN FAWCETT.

No. 16 —Copy of Colonel Gordon's Letter to Mr. Kirkman, 19th Jan. 1805, sending copies of Colonel French's Letter (No. 15)

Sir,

House Guards, 19th January, 1805.

I have the commands of the Commander-in-Chief to transmit to you, for the information of Lord Cathcart, a copy of a letter and its enclosures, from Colonel French, in which that officer complains that the Deputy Inspector General for the recruiting service in Ireland has taken every step to render abortive his unremitting exertions to carry into effect the intentions of the Commander in Chief, in honouring him with a letter of service, and I am commanded to desire, that the Deputy Inspector General may be called to explain the circumstances to which Colonel French alludes, as although His Royal Highness is sensible of the duties incumbent on the Deputy Inspector General, to preserve a vigilant controul over the various branches of his department, and to check and report upon every irregularity that may take place in the conduct of officers and persons engaged in the recruiting service in Ireland, yet his Royal Highness thinks it equally just that every fair indulgence should be given to every officer to enable him to act with facility according to the terms in which he is bound by his instructions ; and I am further to desire you may be pleased to move his lordship to examine the letter of service under which Colonel French acts, and to give such directions thereupon as may tend to put a stop to further representation.

I have, &c.

(Signed)

J. W. GORDON.

P. S. Colonel French has been directed to repair forthwith to Ireland, and report his arrival to the Commander of the Forces,

J. Kirkman, Esq. &c.

Indorsed, 15th January.

No. 17.—(Ten Enclosures)

C. B. Acknowledge.

Sir,

Royal Hospital, 8th February, 1805.

Having, in obedience to the Commander-in-Chief's commands, conveyed in your letter of 19th January, by direction of Lieutenant General Lord Cathcart, called upon B. General Taylor for an explanation of the circumstances alluded to in the allegations set forth by Colonel French's representation therein inclosed ; in answer, I am now directed by his lordship to acquaint you, for the information of his Royal Highness, that he has called for the letter of service, by virtue of which Colonel French and Captain Sandon carry on this levy, and that his lordship desired B. General Taylor to report upon the steps he has taken, in conformity to the instructions he has received from time to time from the Inspector General, concerning the levy in question, and also to furnish him with answers to the points which his Royal Highness is pleased to notice for enquiry.

The Brigadier General has in consequence delivered to Lieutenant General

neral Lord Cathcart, the report and explanatory papers herewith enclosed, which it is requested may be submitted to His Royal Highness's.

Colonel French has not reported his arrival, nor is it known he ever has called upon the Commander of the Forces in Ireland; but undoubtedly he will have every facility and support afforded him, which the recruiting instructions and circumstances of the service can warrant.

Lieutenant General Lord Cathcart desires me to say, that it appears to him that the matters of complaint charged against B. General Taylor by Colonel French, may be reduced to four heads.

1st. The having objected to sending a serjeant of the Levy, supposed to have been raised for the proposition intended for Ireland, out of this part of His Majesty's dominions.

2d. For having refused to approve of more than 45 serjeants being raised in Ireland without some proportion of privates, until more explanatory instructions should be obtained from the Inspector General to authorize that measure, and until the serjeants raised in this country are brought forward for final approval.

3d. For having taken a beating order from a person named O'Reilly, although giving beating orders to persons similarly situated had been allowed in the case of other levies.

4th. For having admonished Quarter-master Owen Fawcett, in regard to the conduct of the levy, in a manner the Quarter-master did not approve; and for having, in the course of what he had occasion to say to this person, made use of the word "camp."

In regard to the two first of these heads, the B. General appears to have acted as it seemed to him, the instructions he received from the Inspector General in regard to issuing serjeants clothing, explained the intention to be, but that he had submitted his doubts and observations to the Inspector General, whose decision had not arrived.

With regard to the third case, that of O'Reilly, there is an explanatory paper No. 9. by which it appears, that the Inspector General could not recognize this person as a proper officer to hold a beating order without further explanation.

And in regard to the fourth case, the conversation with Quarter-Master Fawcett, there is in the Brigadier General's report, a statement of what actually passed, and which as it happens had not escaped the Deputy Inspector General's recollection. Lieutenant General Lord Cathcart feels himself called upon, not to conclude his report without observing generally, that Brigadier General Taylor has uniformly appeared to his Lordship, to be remarkable for his diligence and assiduity in carrying on all the important duties entrusted to him; that his Lordship has on all occasions perceived in his conduct the greatest zeal for the increase of His Majesty's disposable force by serviceable recruits; but his Lordship never remarked in his proceedings, or heard that officer accused of any manner of partiality.

I have the honour to be, Sir,

Your most obedient humble Servant,

J. KIRKMAN

Enclosure I.)—Sir,

Dublin, 25th Jan. 1805.

I have the honour of your letter of the 24th inst. enclosing the copy of one from Lieutenant Colonel Gordon, together with another from Colonel —

Colonel French to his Royal Highness the Commander in Chief, and of one from Quarter Master Faucett to Colonel French, also directing me to transmit, for the information of the Commander of the Forces, a copy of the colonel's letter of service and of the instructions under which he has undertaken his levy, and for me to report upon the subject of colonel French's letter to his Royal Highness, as likewise upon Quarter Master Faucett's to the Colonel.

In obedience to these directions, herewith I enclose a copy of Colonel French's letter of service, as also of such papers from No. 1. to 8. as I have received, that appertain to his and my own instructions, but previous to my statement concerning the two letters in question, I beg leave to mention, that in May last I first received intimation that colonel French had undertaken to raise 5000 men in a given period, and to enable him to effect it, he was to have the assistance of a certain number of persons as officers, with 90 serjeants, 90 corporals and 60 drummers, one half of whom being intended for Ireland, p No 8, I was directed to provide clothing for. That under certain conditions specified in the letter of service, and in the instructions, the colonel was to have a levy money of 21 guineas per man. One half of the serjeants were to be fit for service agreeably to the recruiting regulations, to be attested as privates, but to be transferred as serjeants at the termination of the levy. The other half were to be capable of the recruiting service, and to be discharged on the termination of the colonel's levy. The corporals and drummers were also to be according to the recruiting regulations of their respective ranks, to be attested as privates, and transferred as privates, on the close of the levy, to such corps as his Royal Highness might be pleased to direct. The bounty money payable to the whole of these persons, as well as to the privates, is not specified, but may be on whatever terms the colonel can make his agreement, and in order to prevent any future disagreement, in consequence of there not being a specified bounty to the recruit, I am directed to have a certificate of the agreement with colonel French, of such men as I finally approve of, which certificate I annex to the attestations, and is in form No 4.

Towards the end of July last, I was given to understand that one serjeant who had been finally approved of had been sent out of the country. This being signified to colonel French, he said he could send them to where he pleased, and on my replying that I should consider this man as one of the proportion of serjeants allotted to Ireland (having drawn the levy money for him) he concluded with observing, he should appoint as many as he chose for Ireland. This conception of the instructions differing very materially from mine, I deemed it requisite to send a state of the levy to the Inspector General, and to inquire to what extent I was to pass or approve of serjeants for colonel French's levy. As to corporals and drummers they never came into question, for to this moment he has not raised the proportion I supposed to be intended for Ireland, viz. 45 corporals and 30 drummers.

In answer to this query, I received the following, being an extract of a letter from lieutenant colonel Carey, dated 26th July 1804. "He (alluding to the Inspector General) has thought it advisable to refer your query to the Commander in Chief's consideration, and at the same time to lay before his Royal Highness a statement of the expences of

“ the levy, with a comparison of the benefit derived to the public from
 “ the contract; from which it appears the public has paid for some time
 “ past, more than £ 10 per day for the subsistence of parties, exclusive
 “ of marching money and bounties, for only six recruits who had been
 “ approved of at the time the calculation was made. Under such cir-
 “ cumstances you will of course not act in conformity to colonel French’s
 “ desire until further orders.”

“ This information was given to colonel French early in August; at the
 same time I said, that as he then wanted but few serjeants to complete
 what I conceived to be his establishment for Ireland, and several of those
 he had were at that time only intermediately approved of, he had better
 bring them forward for final approval, and use some greater exertion to
 get them, and have this part of the business over, particularly with the
 serjeants for permanent service, because he had no more limited service
 serjeants than the others; but that he must not expect I should exceed
 this number without further orders.

Thus the levy continued with bringing few forward until the middle
 of October last, when colonel French left Ireland, and when I thought
 I had passed the 45 serjeants. I signified to Quarter Master Faucett in
 the November following, I could not pass any more without fresh in-
 structions, and again urged the completion of the other part of the esta-
 blishment, and to make some exertion to raise privates. The levy con-
 tinued in this state until the beginning of this month, when I received
 the copy of a letter from colonel French to the Inspector General, ac-
 companied with a memoranda from lieutenant colonel Gordon, stating,
 that by colonel French’s letter of service “ he was entitled to go serjeants,
 “ go corporals and 60 drummers, he should of course be allowed to ap-
 “ point them.”

No 7 The day after I received these instructions Quarter Master
 Faucett called, and shewed me colonel French’s letter (the answer to
 this letter appears to be the one I have with your’s of the 24th) which
 letter stated the purport of his intended regulations, being 63 serjeants
 for Ireland, and at the rate of 9 to each officer. Thus far Quarter Mas-
 ter Faucett’s statement of my inattention to the letter is incorrect for if
 my recollection serves me it is nearly the words of it. I then mentioned
 to him I was ready to inspect such persons as were brought forward;
 and I was not surprised at the exertion to be allowed to complete the full
 establishment of serjeants, because they were got for a guinea or two
 bounty, but there did not appear to be the same attention to get corporals
 and drummers, although in few instances did the bounty to them ex-
 ceed six or eight guineas, and as to privates they scarcely appeared to be
 intended as part of the levy. After this I added, I should have sup-
 posed, if the intention actually was to raise privates, so the greater ex-
 ertion ought to have been made, if it was no more than to shew a dis-
 position to make good the engagement, and to fulfil his Royal Highness’s
 expectation of so considerable a levy, so as to induce him to continue it.
 But situated as I was, I felt it incumbent on me to say, that the whole
 tenor of the proceedings of the levy since I saw it, went to procure per-
 sons to whom scarcely any bounty was issued, and where a bounty be-
 came necessary no steps were taken to produce them. As to the appoint-
 ment of serjeants, I had offers daily for these situations, without any ex-
 pectation of bounty, and no charge of bounty had been incurred by the no-
 mination

mination of any of those attached to the recruiting department, although they were all for general service. That at that moment there was an application on the table, for whom I had not an immediate vacancy; the Quarter Master on this had the modesty to desire he might be transferred to him, to which I simply said—What, Sir, do you think I am to act as camp for you, you call yourselves a corps, but in fact you are a levy without men, and the few you have got stand government in £ 150 per man. We then parted, on my again reminding him to bring forward as soon as he could the remaining non-commissioned officers colonel French intended for Ireland, for the not doing so there was hardly any excuse, particularly as he was aware, that the age and standard for this levy were more favourable than to the line, being at 35 years of age, and 5 feet 4 inches in height, whereas for the line and general service, (except for the four young regiments) it was at 30 years of age, and at 5 feet 5 inches in height.

This statement is in fact the purport of my conversation with Quarter Master Faucett, and is the subject of his private letter to colonel French, it passed at my office and in presence of the adjutant, and I think fully accounts for what he is pleased to call my sermon upon the serjeants, and the money, and it by no means denotes any hostility to his levy, but rather shows an anxious desire to produce men to the service.

In regard to the representation made by colonel French to his Royal Highness, of my most unaccountable and persevering hostility to his levy, and that I take every diligent step to render abortive his unremitting exertions to carry into effect the intentions of his Royal Highness in granting him a letter of service, I can safely say that no act of mine has shewed a disposition to thwart his recruiting, but the contrary, and if I was to have acted in strictness to my instructions, several of the few men I have passed should have been dismissed, merely on account of colonel French's officers holding out engagements to them as corporals and drummers, for the future disposal, that could not be made good, and for asserting in their attestations a less bounty than they agreed for, which (on account of their not being able to read) they knew nothing of until they came before me. I do most solemnly declare, the day of inspecting colonel French's men, whenever it has hitherto happened, has been more a day for settling disputes between them and the non-commissioned officers, than for passing of recruits. At several the colonel has been present, when it appeared that the agreements for enlisting were for a greater bounty than inserted in the attestation, and the engagements were to be transferred as corporals and drummers instead of as privates, consequently the inducement to enlist for a less bounty is obvious.

In repeated instances, from a wish to get men, I have prevailed upon them to agree to a transfer as privates, and at the same time signified to colonel French he should instruct his officers to prevent these continued disputes, some of which of a similar nature, since his absence, have been greater than before.

In respect to the bounty paid to men raised in the country, the colonel's officers are not satisfied with inducing them to enlist at an under-rate of bounty, but in their payment of it they keep a running account, and when they settle, the men have been charged with the pay given to them from their enlistment, as part of the bounty. Colonel French is

no stranger to this, and I believe in more than one instance, he has refunded the pay to the recruit, and said he would recover it from his officer.

From these circumstances I feel it necessary to see the men and the public done justice to, which I am convinced is the sole cause of the representation of my persevering hostility to the levy. The certificate of the sums agreed to, and wrote on the back of several attestations, differing with what is originally inserted in the front of them, will corroborate what I assert.

I now beg to mention as matter of information, that since colonel French's levy commenced in Ireland, in July last, there has been 48 serjeants approved of to the 19th inst. of whom 2 have deserted, 1 drowned, 1 promoted to be an officer, 1 reduced by sentence of a court martial, and sent to the Isle of Wight as private; 2 more reduced by sentence of a court martial, and being for limited service, are supposed to have been dismissed, not being returned as privates, leaving 41 forthcoming for transferrable and limited service, but including the one sent from Ireland; besides 25 corporal-, of whom 1 have deserted, and 15 drummers. These are the whole that the levy have procured of every description except 27 privates and 2 boys, of whom 8 have deserted or have been taken up as deserters from other corps. Now as from the strength of the present number of persons to recruit (no less than 80 exclusive of officers) but—Recruits are forthcoming, and not one returned since the 27th ult. it is scarcely possible to expect much advantage, particularly as from the tenor of the contract there is no obligation to make at good.

Should the whole of colonel French's non-commissioned officers be nominated, and his engagements with them be effected on the same terms as hitherto, the advantage can be easily ascertained, when the papers before me shew, that the average bounty to each serjeant is under 2 guineas, to each corporal 7 guineas, and each drummer 6 guineas; consequently when the harvest is reaped by the appointment of the non-commissioned officers, there can be little reason to suppose from what has been done, that the proper exertions to obtain privates will afterwards be used.

I cannot close this statement in reply to colonel French's representation, without observing, that no bounty is advanced to such recruits as are raised in Dublin until they are finally passed; and unless accidentally seen when under surgical examination, they are not noticed by any of the recruiting staff, and it has happened repeatedly, that Quarter Master Faucett has stated (as soon as the men are passed and completely off the risk of colonel French's people) he was certain that particular men would desert, and with a sneer recommended me to keep a watch upon them; several of his pointing out have deserted, and others have been taken up the very same evening or next day, when our people had time to examine. In one instance, I have strong reason to believe (though without proof) that he knew the fellow to be a deserter when he was brought forward.

The reports of irregular proceedings in the country are numerous, of one in particular. I inclose the magistrate's representation. The lad was brought to Dublin as stated by the magistrate in No. 5, and was surgically

surgically rejected, and dismissed before I received the letter, consequently I was not enabled to make the proper inquiry. In short the complaints are frequent, and I can aver, that notwithstanding the multiplicity of recruiting which has been going on in Ireland since June last (to the extent of more than 5,000 men that have been raised) and some of it with the strongest inducement to raise men by every means possible, yet I have had fewer personal differences to settle between officers and their recruits, than I have had with Colonel French's levy.

However feasible Colonel French may have imagined it might be to raise 5,000 men when he gave in his proposals to his Royal Highness, he now sees the impracticability of it, therefore must attach a cause for its failure somewhere. If, however, there is a cause for its not succeeding in Ireland, he should affix it to the 'avarice of his own people, for the bounty to the — Recruits is but $1\frac{1}{2}$ guineas on the average to each, how therefore is it possible for them to get men, even with every knowledge of the art of recruiting, when every officer around them are giving 16 guineas, and to which is added the inducement of promotion and personal influence; notwithstanding which many of these gentlemen have failed.

I trust you will excuse the unreasonable length of this letter; but the very strong and unwarrantable representation of Colonel French against my conduct, renders it requisite to make this statement in vindication of it, which I beg Lord Cathcart will have the goodness to represent to the Commander in Chief. At the same time I can declare, that since the first moment His Royal Highness was graciously pleased to appoint me Deputy Inspector General for Ireland, every thought and act has been zealously exerted to fulfil the trust reposed in me, and to promote the service, which I believe not only the late Inspector General will testify, as will I trust the present one, from his knowledge of my proceedings since his appointment.

I have the honour to remain, Sir,

Your most obedient and faithful humble servant

Lieut. and Colonel Kirkman, &c.

JAMES TAYLOR

Brigadier General D. H. G.

(Copy) (Enclosure 2 — No. 1, with Two Enclosures)

Sr,

Army Depôt. 11th May 1804

I have received the Inspector General's direction to transmit, for your information and guidance, the enclosed copy of a letter from Francis Bacon, Esq. with the copy of a letter of service granted to Henry and George French of the late 102d Regt, and Captain Sandon of the Royal Wagon Train, authorising them to raise 5000 general service recruits, in any part of the United Kingdom, to be finally passed at the following Depôts: at Dublin, under your orders; at Edinburgh, under the orders of Colonel Scott, Deputy Inspector General for North Britain, and at the Isle of Wight under the Inspector General. Lieut. General Hewitt desires me at the same time to request you will be particularly cautious in regard to deserters, and not pass any man whom you may have reason to suspect as such.

The Lads and Boys are to be invariably sent to this depôt in such numbers and by such means as you may judge most advisable, and in forwarding them hither you will use every precaution to prevent their

passing for the ordinary General Service Recruits. You will forward separate weekly returns of this Corps, which will regulate the Inspector General in his directions for the disposal of the men which may be approved of by you.

I have the honour, &c. &c. &c.

(Signed)

JOHN JAMES BARLOW,

Colonel Taylor, &c. Dublin,

Lt. Col. D. I. G.

Indorsed 4th May 1804, 30th April 180

Sr,

War-Office, 4th May 1804.

I have the Secretary at War's directions to enclose herewith, for your information, a copy of a letter of service, authorising lieutenant colonel French and captain Sandon to raise 5,000 men for His Majesty's service.

You will be pleased to cause clothing for the effective non-commissioned officers and drummers employed in carrying on this levy, to be supplied from the stores of the army of reserve.

I have the honour to be, &c. &c. &c.

Lieut. General Hewit, &c.

(signed)

F. MOORE.

Indorsed 30th April.

(Copy.)

Gentlemen,

War-Office, April 30th 1804.

I have the honour to acquaint you, His Majesty has been pleased to approve of your raising five thousand men, to be turned over to the regiments of the line in His Majesty's service, upon the following conditions:

The recruits are to be engaged without limitation as to the time and place of service.

You will allow thirteen guineas levy money for each recruit finally approved at one of the following depôts, (viz.) The Isle of Wight, Dublin, and Edinburgh, out of which levy money, a sum equal to what may be fixed by the recruiting instructions in force at the time, is to be appropriated to furnish the recruits with necessaries on their final approval, exclusive of the actual sum which may have been received by the recruit.

The subsistence of the recruits, the extra allowance to inn-keepers, the allowance for beer, and any other daily charge, will only be allowed to commence from the date of approval of each recruit, but with a view to cover any extra expence that you may incur by the men being enlisted a considerable time before their approval, you will be allowed to enlist ten boys in every hundred recruits, for whom you will receive the same bounty and allowance as for men.

The men and boys respectively are to be of the age and size directed by the general recruiting instructions of the army.

No charge for slop clothing for the non-commissioned officers or recruits will be admitted; as, on approval, the latter will be clothed at the depôts, by the regiments to which they shall be at once attached.

No intermediate approval of recruits is to take place, and consequently

quently neither bounty, subsistence, nor any other charge will be allowed for such as shall be rejected at the several depôts.

Each recruit on approval at the depôt is to sign a certificate, that he received the full bounty promised to him.

You will be allowed to appoint 90 serjeants, 90 corporals, and 60 drummers, who must be previously approved by an inspecting field officer of a recruiting district.

The drummers are to be of the age and standard of boys as specified in the Recruiting Instructions

The subsistence of the above mentioned non-commissioned officers and drummers is to commence from the dates of their actual appointment, as such.

Half of them, if finally approved at the Depôts, are to be reckoned as part of the complement of the first five hundred Recruits for your Levy, and the remainder as part of the first thousand.

The Corporals and Drummers are to be given to understand, that they are liable to be drafted as Privates into the Old Regiments.

The whole of the non-commissioned Officers and Drummers must, in the first instance, be enlisted and attested as Privates, and their attestations transmitted to this office immediately on approval.

One half of the Serjeants may be enlisted with the condition of their being discharged at the conclusion of the Levy; which circumstance is to be noticed in their respective attestations.

The bounty of thirteen guineas will be allowed for such of the non-commissioned Officers and Drummers, as shall be finally approved at the Depôts as part of your Levy.

Clothing will be provided under the orders of Government for the effective non-commissioned Officers and Drummers employed as above-mentioned.

You will be allowed during the Levy, the assistance of ten Officers, whose names are to be stated to his Royal Highness the Commander in Chief, for his approbation, and such of these Officers as may be on half-pay, are to receive full-pay during their service with your Levy, subsequently to such approval.

As the Men are passed at the Depôts, it is not thought necessary to make an allowance for an Adjutant, Paymaster, Surgeon, or Quartermaster, but an Officer, above the ten, will be allowed to reside at each Depôt during the Levy.

In lieu of giving you permission to nominate any Officers for commissions, and an allowance at the rate of two Guineas per Man, over and above the before-mentioned sum of thirteen guineas, will be made to you whenever 500 men shall be passed at the Depôt, and for every 500 men subsequently passed, the like extra allowance of two Guineas per Man will be made to you.

The stipulated allowance of thirteen Guineas each for the approved Recruits, will be issued immediately on their approval, by the paymasters residing at the respective Depôts, by drafts upon the Agents of the Corps to which the Men and Boys may be attached; and the Recruits will be afterwards subsisted through the same Channel, or by the district paymasters, until they join Regiments.

The pay of the commissioned Officers, non-commissioned Officers and

and Drummers employed in the Levy, is to be received from the paymasters of the recruiting districts in which they shall be respectively stationed, who will draw for the same upon the General Agents for recruiting in London and Dublin respectively, rendering distinct paylists of their expenditures on this head to this office.

If, however, any of the commissioned officers should be on full pay in the existing Regiments, the district paymasters will draw for the pay of such officers on their respective Regimental Agents, in the manner as for that of other officers employed on the recruiting service. In consequence of this arrangement, it is presumed that your advances on account of the levy will be so considerable, as scarcely to require any imprest of money into your hands, in the first instance, but if you should find some assistance absolutely necessary, there will be no objection to your receiving a moderate sum on account, giving security for the immediate payment thereof when desired.

It is to be clearly understood, that Government reserves to itself the discretion of discontinuing the Levy entirely, in case 4,000 Men are not raised and passed within nine months from the date of this letter, or in case the whole 5,000 Men are not raised and passed within thirteen months from the same date.

In execution of this service, I am to assure you of every assistance that this office can afford.

I have, &c

Colonel French, of the late 102d Foot, (signed) C. BRAGGE,
Captain Sandon of the Royal Wagon Train

(Copy) (Enclosure, 2 — No. 2. with three enclosures.)
Sir, Army Depot, 19th May 1804.

In addition to my letter of the 11th instant, I am directed by the Inspector General to forward, for your information and guidance, copy of a letter which has been written to Colonel French, relative to the carrying on the recruiting duty of his levy, and to desire you will be pleased to act in conformity to the direction therein given. I also enclose you a statement given lately by Colonel French to his Royal Highness the Commander in Chief, together with a copy of a letter from the late Major General to Colonel Chaston, giving his opinion on the subject, which you will pay every attention to on your inspection of the recruits enlisted for this levy.

(Signed) John James Barlow, Lt. Col.

Col Taylor D Insp. Gen. &c &c &c D I G.
Indorsed 13 May 1804. Col French to H. R. H. 9 May 1804.

(Copy.)

Sir, Inspector General's Office, 13th May, 1804.

I have the honor to submit your letter of the 12th instant, to the Inspector General, and have received his directions to say in answer, that for each of the Recruits approved at the Edinburgh and Isle of Wight Depôts, there will be no objection for the Paymasters there to give your Agent in London, drafts for the amount of their Levy on the General Agent, Mr. Ridge; but in regard to Ireland, the same mode of payment cannot be adopted, as it involves the subject of exchange, by the same means however may any agent of
yours.

yours in that part of the United Kingdom be paid by drafts on the General Agent in Dublin; with respect to the Drummers, the Inspector General cannot sanction your proposed deviation from the Recruiting Instructions, although you may look to Boys for that employment, the Service will want them eventually for Soldiers, and with that view must their approval take place. It will be necessary for you to transmit to the Inspector General, to your commencing the Recruiting Service, a list of such persons as you think proper to employ as Commanding Officers of your several parties, as well as the non-commissioned Officers to each, and name of the place to which you propose sending them, that proper notice may be given to the Inspecting Field Officer of each District; and although, with respect to subsistence, periods for marching Recruits to the Depôts, an intermediate approval, your Letter of Service is an exception to the General Recruiting Regulations, yet in all other respects your parties are to conform strictly thereto; and whenever you may judge it expedient to change the situation of your Parties, the Inspecting Field Officer of the District from whence they remove, as well as that to which they may belong, is to be made acquainted therewith previous to such removal; I therefore enclose for your information, a list of the Deputy Inspector Generals, and several Inspecting Field Officers, the limits of their Districts, and the Head Quarters at which they respectively reside. I need not point out to you the necessity of the most scrupulous attention to the several rules laid down in His Royal Highness the Commander in Chief's Regulations, and how necessary it will be for you to insist on the most punctual attention on the part of the several Officers acting under your orders, to the fair and full adjustment of all accounts between their Parties and Recruits; that His Majesty's orders, particularly respecting the money to be advanced at the time of enlistment, be most scrupulously attended to; the Recruit may be made fully acquainted with the nature of his engagement, that the attestation may be signed not only by the magistrate and the recruit, but by the officer who may command the party, and all in the presence of each other; that the attestation may be regularly transmitted with the recruit to the depôt he goes to for inspection, and that it be free from erasures of every kind, and the sum paid, with the day of the month and year be expressed in words and not in figures; any neglect on these points will be considered as invalidating the engagement, and the man will be discharged without admitting any expence to the public. I have only to add, that although the Inspecting Field Officers have nothing to do with the approval of your recruits, it is a point of the greatest importance, and which must be rigidly adopted, that no recruit enlisted at the head quarters of a recruiting district, shall march away without having been seen by the Inspecting Field Officer there stationed, and most particularly in the metropolis, where frauds are more easily practised than any where else. Lieutenant Colonel Robinson will inform you of the most convenient time for presenting your recruits to him accordingly.

I have the honour to be, &c. &c. &c.

(Signed)

P. CAREY,
A. I.

Colonel French,
late 102d Foot.

(Copy)

Colonel French presumes to state to His Royal Highness the commander in Chief, that he has received from the War-office his Letter of service in favour of Captain Sandon and himself but under such circumstances of discouragement, and so very different from those accepted by him which he had the honour to receive by order of His Royal Highness, from Colonel Clinton, that he feels himself urged to make this appeal to His Royal Highness. From the weight of the undertaking, and the exertions required in obtaining results under the present circumstances, Colonel French rests satisfied His Royal Highness's goodness will afford him every aid consistent with justice to the public; his only request indeed now is that the letter of service may remain as was understood by Colonel Clinton's proposals; one principal result arising from the newly introduced arrangements into the Letter of Service, will be that of placing Colonel French in a capacity apparently more Civil than Military, by which that species of influence and consequence is taken from him which is ever necessary to command obedience, and stimulate exertion; besides, Colonel French trusts His Royal Highness will pardon him in expressing, that he cannot but feel hurt at being placed in a situation of such little confidence, as the Letter of Service in its present state assigns him. By this new arrangement, in the first place, the non-commissioned Officers and Drummers are in a manner taken out of his hands, and subsisted by the Paymasters of the Recruiting Districts, in which they shall respectively be stationed; His Royal Highness must be well aware that the non-commissioned Officers and Drummers are to be looked for in various places, and in distant parts, that they must frequently, (according to circumstances) be marching in different directions and often changed, particularly the Corporals to go as Privates. In short, the various inconveniences of this Plan, Colonel French feels fully sensible, cannot but tend most seriously to cripple and embarrass the operations of the Levy. In the second place, the allowance of thirteen Guineas for each approved Recruit is to be paid, on the approval, by the Paymaster residing in the District. Colonel French always conceived himself, (and he hopes he will in this meet the ideas of His Royal Highness) invested with discretionary powers in order to attain the end in view; for instance, to those who recruit in the neighbourhood of the Depôts, the risk being less, the Levy will be so in proportion to those at a distance, more than the Levy will be allowed. In short, the plan of Colonel French is, that this Fund should be distributed according to the calculated risks, distances, and other varying causes of the different Recruiting Parties. By this means all will have an equal interest in carrying the Levy into effect, and the same spirit will be exerted at the greatest distance, as near the Depôts. Colonel French, conceiving himself indebted to His Royal Highness, for the preference given him on this occasion, cannot but be highly interested in carrying the undertaking through in a manner to give satisfaction to His Royal Highness; the accommodation and convenience of an Agent to Officers engaged in so extensive a plan, must be obvious. If what Colonel French here has the honour to submit to His Royal Highness appears

appears equally economical to the public Purse, though more simple, and equally safe in every point of view, he trusts, (as it will be so much for the benefit of the Levy) His Royal Highness will favourably consider it, the expence to Government is the same, the mode is only submitted to be changed

By the terms held out by Colonel Clinton, and accepted, it was understood that an issue would be granted to Government to the Agent of the Corps, and that the Bounty to the Recruits and Subsistence to the non-commissioned Officers and Drummers, would be entrusted to the Chiefs of the Levy. It is submitted, that the risk, on the score of the issue of money, cannot be great, when the accounts are to be settled at the completion of each 500 men. Besides, the Commissions of Colonel French and Captain Sandon are responsible, as also the two extra Guineas, which are not to be credited, until the final passing of each 500 Men

It is therefore submitted that an issue of money should be granted, in the first instance, to enable the levy to proceed

That at the final passing of each 500 men, a full settlement with the public is to take place, and the extra two guineas are to be reserved until such final settlement has taken place, and further security to be given if thought necessary

The attestations of the sergeants and drummers, upon final approval, are to be transmitted to the War Office, and that the non-commissioned officers and drummers are to be subsisted by the chiefs of the levy

That the chiefs of the levy, as being responsible for the payment of the bounties promised each recruit, are to be allowed to charge the levy money, being thirteen guineas, in their periodical settlements, but are only to be allowed for such as are certified and approved by the inspectors of the respective depôts, which certificates are to be produced as vouchers to their charges,

(Signed)

J. FRENCH, Colonel late 102d Foot.

And on the part of Captain Sandon.

(Copy.)

Inspector General's Office,
5th May 1804.

If my construction of the letter of service granted to Colonel French be correct, he misconceives materially the intentions of the Secretary at War, and has no grounds for complaining of embarrassments or for demanding any pecuniary assistance. The thirteen guineas allowed for each of his recruits are, I conceive, to be paid to his accredited agents at the different depôts, immediately upon the recruit's approval. The distribution of that sum rests solely with Colonel French, the Inspector General having only to be satisfied that the recruit receives what he engages for, of course by this mode of settlement the principals in the Levy can be very little in advance, and that only for the recruits first raised, as the difference between the thirteen guineas and the bounty paid will go in aid of further recruiting, and of all the branches of the establishment, and this assistance it is obvious must increase with the projects of the levy

if it be intended to permit the Recruiting Parties to move about at pleasure

pleasure without the knowledge or concurrence of the Inspecting Field Officers of Recruiting Districts, then indeed Colonel French has some cause to object to the mode of paying his non-commissioned officers pointed out by the War Office, but as no such intention is supposed to exist, and that the same restrictions which it was judged expedient to put upon the late Levy raised by Captain Nugent, will apply equally to this, no inconvenience can arise from the payment proposed, more particularly as the payment of Recruiting Parties always takes place a month in advance, but the detail of this, as well as other matters, will be given to Colonel French whenever he reports himself to you.

(Signed)

G. H.

Col Clinton

(Circular)

(Enclosure 4.—No. 3)

Sir,

Army Depôt, 14th June 1804.

I am directed by the Inspector General to transmit herewith copies of letters from Colonel Clinton and Francis Moore, Esq. respecting the intermediate approval of the non-commissioned officers and drummers of Colonel French's Levy, and to desire you will pay every attention thereto.

I have the honour to be, Sir,

Your most obedient humble Servant.

(Signed) J. J. BARLOW, Lt Col. D. I. G.

Colonel Taylor,—Deputy Inspector General of the
Recruiting Service, Dublin.

(Copy.)

Sir,

Horse Guards, 11th June 1804.

I am directed by the Commander in Chief, to transmit you the enclosed copy of a letter from the Deputy Secretary at War on the subject of inspecting the non-commissioned Officers and Drummers of Colonel French's Levy, and as His Royal Highness concurs in opinion with the Secretary at War, as to the propriety of an early inspection of these Men, His Royal Highness desires that you will be pleased to give the necessary directions accordingly, communicating at the same time to Colonel French the Commander in Chief's pleasure on this head.

I have the honor to be, Sir,

Your most obedient humble Servant

Lieut General Hewitt, &c.

(Signed) W. H. CLINTON

(Copy)

Sir,

War Office, 9th June 1804.

In answer to your letter of the 31st ultimo, I am directed to submit, for the consideration of H. R. H. the Commander in Chief, that as according to the present Recruiting System, Recruits are to be brought before the Inspecting Field Officers in the several Districts for approval, within as short a time as possible after their attestment the Secretary at War thinks it highly proper that the same Rule should be extended to the persons appointed non-commissioned officers and drummers in Colonel French's Levy, and that they should be produced for inspection

tion within one month of the dates of their attestations, in which case, if approved, Mr. Dundas would not object to allow them back-pay

Col. Clinton, &c.

I have, &c.

(Signed)

F. MOORE.

(Enclosure 5.—No. 4.)

FORM of Certificate given by men enlisted for Colonel French's Levy.

I do acknowledge, that I have enlisted in Colonel French's Levy, for general service, for the County of pounds shillings and pence; and that I have received the whole of this bounty according to my agreement, except the sum of two pounds five shillings and six pence, which is to be reserved for the purpose of supplying me with necessaries on joining such battalion as I shall be appointed to, on my arrival at the Army Depot in the Isle of Wight. Dated this day of 180

Witness.

(Copy)

(Enclosure 6.—No 5)

Sir,

I beg leave to lay before you the following case, and make no doubt you will have the goodness to enquire into it. A boy of the name of Christopher Lanheran, enlisted with a party under the command of Captain Adam Robinson; he was brought to me to be attested on the 11th instant; two days after being enlisted, he refused to attest, wishing to be set at liberty; his friends lodged the smart money with me, and returned the enlisting money as directed by the Recruiting Act, and I sent the boy home to his friends.

On Monday last the 24th instant, Captain Robinson sent his party and took the boy into custody, and has forwarded him to Dublin, his friends inform me, without his consent or approbation; if on enquiry you find the above statement correct, you will please to order the boy to be set at liberty; on the other hand, should it appear that the boy is willing to serve His Majesty, then I will return the smart money to his friends.

I have the honour to be, &c.

Airmagh, Sept 27, 1804.

JAMES ILES, Sovereign.

(Enclosure 7.—No. 6.)

Memorandum:

Copy of an ORDER from the Inspector General, being a transcript from one received from the Horse Guards.,

Sir,

Horse Guards, 10th November 1804

“ His Royal Highness has been pleased to approve of the standard
“ for Colonel French's Levy being lowered to five feet four inches for
No. XXVII. V, 2. L 1 “ men,

“ men, and five feet three inches for lads, but no alteration is to
 “ take place as to the age of recruits, nor any in the standard for boys
 “ enlisted by him.”

Sir,

Horse Guards, 22d November 1804.

“ By direction of the Commander in Chief, I have the honour to
 “ transmit herewith, a representation from Colonel French, and to
 “ acquaint you, that in consequence of what is therein stated, His
 “ Royal Highness has been pleased to approve of the limitation with
 “ respect to the age of men enlisted for this Levy, being extended to
 “ thirty-five years, which you will be pleased to communicate to the
 “ inspecting field officers accordingly

“ With respect to the standard of boys enlisted for this Levy, His
 “ Royal Highness does not approve of any alteration taking place ”
 Major-Gen. Whitelocke, &c. (Signed) J. W. GORDON.

Sir,

Army Depôt, Isle of Wight, 26 Nov 1804.

I am directed by the Inspector General to transmit, for your information and guidance, the enclosed copy of a letter from Lieut. Colonel Gordon, stating, that His Royal Highness the Commander in Chief has been pleased to approve of the age of men enlisted for Colonel French's levy being extended to 35 years of age; you will be pleased to communicate the above to the I. F. O. under your orders

(Signed) J. J. BARLOW,

Br. General Taylor, &c. Dublin.

Lt. Col. D. I. G.

(Copy.)

(Enclosure 8 — No 7)

Memorandum from Lieut. Col. Gordon to Major General Whitelocke, dated 29 Oct 1804.

Colonel French, by his letter of service, is entitled to 90 serjeants, 90 corporals, and 60 drummers, and should of course be allowed to appoint them.

I. W. G.

(Copy)

Colonel Barton,

29th Dec.

Will you make the necessary communication to B Gen. Taylor and Colonel French

A. B.

(Copy)

London, Cecil street Coffee-house, Strand,

Sir,

Dec 18th, 1804

Having done myself the honour (for the purpose of paying my respects to you) of calling at your office a few days ago, I was recommended by Major Blowne to state upon paper, for your consideration, those points, in the letter of service granted to Captain Sandon and me, upon which the Deputy Inspector General in Ireland and I
 form

form different constructions. One of the chief points in which I conceive the Deputy Inspector has misapprehended the terms of the letter of service, is that which relates to the distribution of the non-commissioned officers. On this subject I had a correspondence with him some months ago (for as early as in August last I was directed by him not to recruit any more serjeants whatever, though the Levy had then but about 26 in Ireland, and still fewer in England and Scotland) and a reference was made on the occasion by each party to Lieut General Hewitt. I had not the honour of an answer from the Inspector General, but, from what Brigadier General Taylor expressed to me afterwards, previous to my leaving Ireland, I conceived he was satisfied with the correctness of my construction, and I hoped at length the Levy, on that head at least, though so very late, would receive no further impediment. It is therefore with surprize I have learned, that Brigadier Taylor, since my leaving Ireland, will not allow more than 45 serjeants to appear upon the pay-lists of the Levy in that country. When you, Sir, have the goodness to take the trouble of looking over this letter of service, I feel fully confident you will be satisfied B Gen. Taylor has not maturely considered, or at least has misconceived, the terms of it. Not to intrude too much upon your time, I shall take the liberty merely to state, that the letter of service allows ten recruiting officers and ninety serjeants, the proportion therefore is, that of nine serjeants to each officer. Seven recruiting officers are stationed in Ireland, of course therefore, by this calculation, there should be 63 serjeants in Ireland. Upon what data the Deputy Inspector General founds his conclusion I am at a loss to conjecture, unless it is from the circumstance of my having informed Lieut Col Williamson, at the commencement of the Levy, that I should require 45 serjeants' suits of clothing, &c for Ireland, which Brig Gen Taylor was directed to supply me with. My original intention was, to have employed in Ireland only five officers and 45 serjeants, but very shortly after (for well considered reasons) this plan was changed, and seven officers were placed on that service (who were duly notified to the Inspector General, and are there now) of course more non-commissioned officers became necessary, and I wrote to my colleague, Capt Sandon, in London, and the resident officer in Scotland, to send over additional clothing, which was done. I have no doubt on my mind but it will appear to you, that the terms of the letter of service do not by any means assign any stated proportion of non-commissioned officers to any particular part or district of the United Empire, but that this point is left to the discretion of the chiefs of the Levy, under the usual restrictions of the general recruiting instructions, as far as they apply. Their number is limited, the means of every undertaking should be adequate to the end. Ninety serjeants were judged necessary for this levy, and the proportion for Ireland, by far the major part has hitherto been suspended by Brig. Gen. Taylor, to the almost incalculable injury of the undertaking. These circumstances I had the honour, months ago, forcibly to state to him.

On my arrival in Ireland, in June last, various persons offered their services to recruit for me, among others were the offers of Mr John

O'Reiley, late Lieut. in the 60th foot. As I knew this gentleman to have been an active recruiting officer, and to have considerable influence in his country, it was natural I should wish for his services. Other levies, as at present, were then recruiting in Ireland, and I informed myself how they acted on such occasions, and found they employed various persons to recruit, who sent forward their men through the medium of the officer of the Levy recruiting in the district. Mr. O'Reiley, in order to qualify himself, consented to be attested, which was done in my presence; which circumstance, by him, when called upon, was explained to Brig. Taylor, who has likewise seen his attestation. Essential service has been derived to the Levy from this person, he was under the charge of an officer of the Levy, Quarter-master Short, in the Athlone district. Brig. Gen Taylor has deprived this man of his beating order, while other persons under similar circumstances, recruiting for other Levies, are allowed to hold theirs. He drew no pay from the public, and was therefore not included in the pay-lists, in like manner as others recruiting for the other Levies. As the other Levies did not report persons of this description, I followed the same rule; but if the Deputy Inspector wishes such to be reported to him as regularly as those included in the pay-lists, and upon the strength of the levy, it can be done. I need not mention to you, Sir, that one active recruiter is frequently of more service than half a dozen others, and Mr. O'Reiley is that sort of man, under all these circumstances I trust it will appear to you, and to the Deputy Inspector General in Ireland, that I studied the good of the service in employing Mr. O'Reiley, and I hope he may be continued. Your having the goodness to communicate your sentiments on the points here laid before you, must tend in a great measure to do away the heavy impediments this Levy has had to contend with in Ireland, which, if continued, must prove fatal to its success.

I have, &c

Gen. Whitelocke, &c.

(Signed) J. FRENCH, Col.

(Copy)

(Enclosure, 9 —No. 8)

Inspector-General's Office, 54, Spring Gardens,
May 22d, 1804.

Sir,

I am directed by Lieutenant General Hewitt to acquaint you, that a Colonel French has engaged with Government to raise a certain number of men, and, as he proposes, to send to or raise in Ireland 45 serjeants, 45 corporals, and 50 drummers.

The General desires they may be clothed from the Reserve Clothing you may have in store, but if you have not sufficient, to direct clothing to be made up, viz for each serjeant, corporal, and drummer, a cap and plume, jacket, waistcoat, breeches, and long gaiters. The jackets of the serjeants and corporals to have bright yellow cuffs and capes, the usual lace, and plain white buttons.

For

For Colonel French's parties in England, Reserve Clothing has been issued for the drummers without any alteration

(Signed) GEO WILLIAMSON,
Col: Taylor, &c. Superint of Clothing R A of Reserve

(Enclosure 10—No 9)

Extract of a LETTER from Brig General Taylor to the Inspector General, dated Dublin, 15th Nov. 1804

"Enclosed is a Rating Order issued by Colonel French, to a person of the name of John O'Reiley, which I have been under the necessity of withdrawing, in consequence of the engagements with the recruits brought forward as corporals, being contrary to the instructions, inasmuch as holding out to them that when they are to be drafted, they are to go as corporals instead of privates, whereby they are induced to enlist for 6, or 8 guineas, instead of what they would have to agree for as privates. But exclusive of this reason for stopping this man's recruiting, it does not appear that he is on the returns or books of Colonel French, neither does any officer belonging to his Levy in Dublin, or his clerk, know that he is attested, although he says that he has been enlisted by Colonel French, and that he was formerly a lieutenant in the 4th battalion of the 60th regiment."

(No 18)—One Enclosure. Copy of a Letter from Colonel Gordon to Mr Kirkman.

Sir,

Horse Guards, 20th February, 1805

I have received and laid before the Commander in Chief your letter of the 8th inst transmitting, by direction of Lieutenant-General Lord Cathcart, Brigadier-General Taylor's report, with the accompanying papers relative to the complaint preferred by Colonel French against the Brigadier General, and I am commanded to communicate to you, for the information of Lieutenant-General Lord Cathcart, that the explanation of the Brigadier General is satisfactory, in as far as it clearly proves that the motives from which he acted were a laudable zeal for His Majesty's service, and an anxious desire to discharge faithfully the duties of his office, but it certainly appears that a premature judgment had been formed on the probable success of the exertions of Colonel French, and that the terms of that officer's letter of service were not allowed him. I am further commanded to transmit to you a copy of a letter which the Commander in Chief has instructed the Inspector-General to write to Colonel French, and should it hereafter appear, that with every reasonable facility Colonel French should fail in the engagement he has undertaken, it is the intention of His Royal Highness to communicate to that officer that his Levy shall be discontinued

I have, &c

J. Kirkman, Esq &c

(Signed)

J. W. GORDON.

Indorsed. 2d February 1805.

L 13

(Copy)

APPENDIX.

(Copy.)

(Enclosure)

Inspector General's Office, London, 2d Feb 1805.

[Partly to be returned to Mr Dighton]

Sir,

The Commander in Chief having observed the very little progress that has been made in the recruiting of the Levy under your command, and having taken into his consideration the very great expense incurred for the pay and subsistence of the officers and non-commissioned employed upon that service, I am commanded to acquaint you, that, unless a very considerable increase shall take place in the numbers recruited prior to the 1st of April next, His Royal Highness will feel himself under the necessity of recommending to His Majesty to discontinue a levy so unproductive

I have, &c

(Signed)

JOHN WHITELOCKE,

Colonel French, &c

Inspector General.

(No. 19) M. Gen. Whitelocke.

(Agreed to)

Sir,

Army Depot, 14th April, 1805.

In addition to a return of the progress made in the recruiting of the Levy under the direction of Colonel French and Captain Sandon to the 24th January last, I have now the honour to transmit a return of its increase since that period; and considering the very great expence incurred for the subsistence of the officers and non commissioned officers employed on this service, as well as the disgraceful conduct of the latter, as represented in the enclosed letter from the inspecting field-officer of the London District, I feel it my duty to submit to the consideration of His Royal Highness the Commander in Chief the propriety of discontinuing a Levy so burthensome in point of expence to the public, and so very unproductive in its effect.

I have the honour to be, Sir,

Your most obedient humble servant,

Lieut. Col Gordon, &c
Horse Guards.JOHN WHITELOCKE,
Inspector General.

P S. His Royal Highness will recollect having commanded me to communicate to Colonel French, that unless a very considerable increase should take place in the numbers recruited for this Levy by the 1st April (instart), His Royal Highness would feel himself under the necessity of recommending to His Majesty its discontinuance.

(Enclosure 1.)

(Enclosure 1.)

**INCREASE of Colonel FRENCH's Levy, since Return transmitted
24th Jan, 1805.**

Army Depôt, 12th April, 1805.

Inlisted.	After approval.			Rejected.	Joined at the Army Depôt.	With the Parties					Temporary Serjeants
						Permanent included in the number inlisted			Privates.	Recruits.	
	Dead.	Deserted.	Claimed.			Serjeants	Corporals.	Drummers.			
92	1	11	1	9	35	12	11	5	1	9	2

N. B. By letter of service, dated 30th April 1804, this Levy was to have raised 5,000 men within 13 months, and it has only produced 219 in twelve months

J WHITELOCKE, I. Gen.

(Enclosure 2)

Sir,

12, King's Row, April 11th 1805.

I am under a necessity of making a formal complaint against the whole of the temporary serjeants of Colonel French's Levy, their conduct is in every respect so infamous and disgraceful to the service, that I cannot too strongly urge their being discharged, or at least sent out of the London district. In addition to a variety of crimes and irregularities, they are now busily employed in crimping for other corps, and most particularly for the additional force; the impositions daily practised by them upon the public call loudly for redress, and I believe the severest punishment that could be at present inflicted on them, would be, depriving them of the pay and emoluments of serjeants

I have the honour to be, Sir,

Your obedient humble Servant,

The Inspector General of the
Recruiting Service.

F. P ROBINSON,
I F O.

(No. 20)

(No 20)—Copy of a Letter, from the Commander in Chief to the Secretary at War.

Sir,

Horse Guards, 16th April, 1805.

As it appears by the Returns of Colonel French and Captain Sandon's joint Levy, that it is not by any means so productive as might have been expected, and as the Inspector-General of the Recruiting Service has represented that the conduct of the whole of the temporary serjants of that Levy, now in the London District, is highly improper and detrimental to the service, I have recommended to His Majesty, and His Majesty has been graciously pleased to approve of this Levy being forthwith discontinued agreeable to a clause in the letter of service to that effect, and I have therefore to request that the necessary information may be given to Colonel French and Captain Sandon accordingly.

I have ordered communications to be made to the Commander of the Forces in Ireland, and to the Inspector-General of the Recruiting Service, on the subject

I am, &c

The Right Honourable the
Secretary at War, &c.

(Signed) FREDERICK.

(No- 21)—C L.

H R H. cannot give any further encouragement to the prosecution of a

*Colonel French and Captain Sandon beg leave to submit to the
Levy which has turned out so unprofitable to the Public Service.*

Consideration of His Royal Highness the Commander in Chief, the following modifications and alterations to take place in their letter of service. They shall not trouble His Royal Highness with details of difficulties they have had to encounter, and of losses and heavy expenses sustained, nor with statements to prove that their exertions have by no means been deficient. They merely beg to observe, that there are at present about forty recruiting parties of the line in Ireland, who send then recruits to the Dublin depot. These parties are, of course, composed of forty officers, &c and these parties, they are well informed, do not in the aggregate send forward more than between forty and fifty recruits per month, whereas their levy, with only seven recruiting officers, in the months of February and March last, finally passed eighty recruits. The same holds good with respect to Scotland, and they may venture to say equally so in England. They trust His Royal Highness will have the goodness to excuse these few remarks.

One important difficulty which they have had to encounter in England they trust will have its weight with His Royal Highness. It has not been in their power, to this day, by any means yet essayed, to obtain one sixpence of the levy money (nineteen guineas per man) of eighty-five recruits finally passed at the Isle of Wight, the weight of so heavy and accumulating a sum could not but embarrass and cripple their exertions.

As they conceive the chief objection which has been ascribed to
their

their Levy to be its extensive establishment and consequent expense, to obviate altogether such objection, they have the honour to submit the enclosed modifications and alterations, and hope His Royal Highness will be pleased to allow them to continue their exertions for such further term as His Royal Highness may think proper; and they feel confident in such case that their Levy will prove highly beneficial to the recruiting service, at the same time that its establishment will be founded upon the most economical principles.

London,
 Cecil Street Coffee-House, Strand,
 April 20, 1805.

J FRENCH, Colonel
 H. SANDON, Captain.

MODIFICATIONS and Alterations proposed for Colonel French's and Captain Sandon's Levy

Colonel French and Captain Sandon having found by experience that a great part of the officers attached to their levy, instead of exerting themselves in recruiting, appear rather to have conceived their ends attained by obtaining full pay, they propose that other persons may be employed under a different impression, with temporary rank in the army, in the same manner as was allowed in Captain Nugent's late Levy. These persons will draw no pay from Government.

It is therefore submitted that five officers (whose names are below mentioned) be struck off from the Levy, and revert to their half-pay.

That the ninety serjeants allowed by the letter of service, be reduced to forty-five

That the corporals, instead of ninety, are to consist of forty-five

That the drummers, instead of sixty, are to consist of thirty

The serjeants, &c to be discontinued, will be selected by Colonel French and Captain Sandon, and their names delivered in at the respective depôts by the resident officers, in order that such as are permanent may be drafted, agreeably to the letter of service, and the limited ones discharged

As the line are instructed to take boys of five feet, it is submitted to His Royal Highness, that the boys allowed by the letter of service may be taken at the same standard

London,
 Cecil-street Coffee-House, Strand,
 April 20, 1805

J FRENCH, Colonel
 H SANDON, Captain

Officers proposed to be struck off the Levy — Captain Collett, Lieutenant Bowers, Ensign Wood, Adjutant Dickson, Quarter-Master Short

(No. 22) — Copy of a Letter from Colonel Gordon to Colonel French and Captain Sandon.

Gentlemen,
 Having laid before the Commander in Chief your memorandum of

House Guards, 28th April, 1805.

of

of the 20th instant proposing certain alterations in your letter of service, I am commanded to inform you that His Royal Highness cannot give any further encouragement to the prosecution of a Levy which has turned out so unproductive to the service, and for discontinuing of which orders have already been given

I am, &c

Col French and Capt Sanfon. (signed,) J W GORDON.

(No 23)

Dear Colonel, Army Depot, 6th February, 1809

I was not enabled to make you an accurate return of Colonel French's Levy, without detailing them in the first instance by name, and now inclose it, which include every man who has arrived at the army depot, but thinking it likely that a return of numbers may answer your purpose, I also inclose it, in which I have mentioned how the whole have been disposed of

I have the honour to be,

Lt -Colonel Gordon, &c Dear Colonel, your's most faithfully
Horse Guards. JAMES TAYLOR, B G Com.

(Enclosure 1)—Contains a RETURN of MEN sent to the Army Depot by Colonel French, and how disposed of.

6th February 1809

No 1	How disposed of
75	Attached to Regiments of the Line.
14	- - - - West India Corps
2	- - - - R Barrack Artificers
4	- - - - Garrison and Veteran Battalions.
64	- - - - East India Company
19	Rejected
5	Deserted
13	Returned to London, Recruiting, and never brought back
196	Total

JAMES TAYLOR, B G
Com

(Enclosure 2)—Contains a RETURN of Men sent to the Army Depot by Colonel French, in the Years 1804 and 1805, and how they were distributed *

* This return being a mere list of the names of the 196 men raised by Col French, with the dates of their arrival at the Army Depot, and how they were distributed, is omitted as uninteresting to the reader. The preceding statement in Enclosure No 1 being all that is generally useful

THE

APPENDIX.

(No 2)

JL

14 Bedford-place, Russel-square July 23.

Dear Sir,

On Saturday I was favoured with your answer, but as I have removed from Holles-street to this place, to save you the trouble of calling there, these lines are addressed you. I am now with my mother and I fear for the whole of the summer. I did not want any thing of French but to ask a question. I am Dr Sir,

Captain Sandon,
Royal Waggon Train
Beccles Suffolk

Your obliged, &c

MARY ANNE CLARKE.

TwoPy. Post Unpaid, Tottenham C R

(No 3)

Mrs Clarke will be glad of a call from Capt Sandon, if he is returned to town, to-day or to-morrow

Gloucester place, Friday

Colonel Sandon, Bridge-street, Westminster.

(No 4)

I am thoroughly convinced of the money being too trifling, and I have mentioned it to a person who knows the full value of those things, so you may tell Bacon and Spedding they must give each of them more two hundred, and the Captains must give me fifty each more. I am now offered eleven hundred for an older officer

M A C

I must have an answer this evening to this, as I am to speak with him on it. I have mentioned as you being concerned for me. I go to the Little Theatre this evening

1804. Colonel Sandon.

(No 5)

Will you, my good Sir, drop me a line Monday morning, saying if you have been able to influence any person who is with Pitt, to attend the House on Monday to give his Vote

I have this morning received the inclosed from Conn, and where he marks under he alludes to your business, and as I know he is a story-teller, I send you his letter,

Col Sandon,
No. 15, Bridge Street,
Westminster Bridge.

I am Sir,

&c. M A CLARKE.

Indorsed

Pitt's Motion, &c. Corru—complaint.

(No. 5)

6 "Dear Sir,

"He will do it ——— so let the Proposals be sent in by when he gets to Town, which will be as soon as you get this, for one thousand at first ——— The Duke of Cambridge has already four thousand You have not occasion to be very particular as to their being Protestants, for I don't think it of any consequence to him I think you had better attend him on Tuesday, to ask his opinion of the Papers sent in on Saturday, as I told him I had seen the Proposals, which you intended to alter and leave that Evening ——— Pray when you go put on a nice pair of boots, and let it be about half-past 3

Indorsed

"Adieu—burn this"

Mrs Clarke's Letter, relative to German Levy.

7

"Can you give me a Call to-day about one or two, or about five? I wish to see you much Tell Spedding to write in for what he wants, as the D says that is much the best Can you get half a dozen or so that wants interest? I want money, which is more impetuous, this is what Lavant is to see you upon, so you had better see Gilpin first

"What is become of Bacon?"

Indorsed

"Colonel Sanden"

Interest & Money

8 "Dear Sir,

"Pray do something for me soon as possible, the Duke told me this morning that you must get on faster with your men, he has written to town for that purpose You had better send me the exact number of all you have sent, and I will shew it him

Indorsed

Colonel Sanden.

*He complains of the
Slowness of Recruiting
the Levy*

9 I send this by a servant to Hampton
hoping you will get it sooner

"Dear Sir,

Thursday Morning

"The Duke has neither seen Gen. Toynin nor his son—he, he does not know, and it is six months since he saw the Genl He has ordered him to be Gazetted, and is fearful it will be done ere he can stop —he will be at the office to-morrow, and if not too late will stop it He assured me it was intirely owing to me that he thought to do the

Aslett and Bligh

best by putting him where two others Majors have left and he would of course be two steps higher

"I hope to see you to-morrow, when you will be able to give me the answer from Toynin, he will be in town about 5

"The King and all the Family are coming to visit the Duke, on his birth day Full of compliment, you see

Indorsed

"Colonel Sanden,

Indorsed

17th August 1804

"No 15, Bridge Street,

Two Pans

12 o'Clock

"Westminster Bridge,

POST

Aug 17 1804 NN

"London"

Twickenham

No. XXVII.—V 2

M 11

to Mrs

10

"Mrs Clark's compliments await Col Sanden, thinks it best for him not to come to her Box this evening, as Greenwood goes with both the Dukes this evening, and of course will watch where yr eyes direct now and then, and should he see and know Col S——, may make some remark by saying or talking of the Levy business, and it may be hurtful to his and Mr. C's future interest

Indorsed

9th Oct 1804
See Richd Cœur de Lion

Col Sanden,
No 8, Lyons Inn

11

"Dear Sir,

"Cap'tn Toynin cannot be made this month as I expected, the D tells me it will be at least three weeks, he having so much to do in reviewing, and there are some other promotions now to take place—however the thing is done

"The little boy will be attended to On Monday I shall go to Vauxhall with a party, when perhaps I shall have the pleasure of seeing you, it is the only night this summer I shall have the opportunity, as on that night he is obliged to attend the House of Lords, as they expect a great fight on Pitt's Motion—I shall at some time take an opportunity of mentioning your Majority I asked him what he thought of you?

A D - - - clever fellow—You are to have the bounty that Pitt is to give to the line, so that every thing goes on well—I told him I should see you at Vauxhall on Monday—I am now at the end of my paper, so shall say adieu

"M. A. C"

"He says Gen Toynyn is a stupid o'd fellow

Indorsed

Colonel Sanden,

relative to the Majority No 15 Bridge Street, Westminster Bridge
and advance of bounty

12

"Dear Sir,

Westbridge, Friday Noon—burn this

"I have mentioned the Majority to the D——, he is very agreeable to it—it is the Nephew of the Genl, his son purchased a Company last week—Do you think it at all possible to oblige me on Monday with one hundred, I shall be in town Sunday If I had had the pleasure of seeing you at the Races, I intended to have pointed you out to the D—— If you are in town, will you have the goodness to send a line in answer It will oblige much your most

"Obd't M. A. C"

4

ESHLR

Indorsed

Colonel Sanden,

16

Majority,

C

No 15 Bridge Street

June 8th 1804

JUN 9 1804

Westminster Bridge, London

13

"Thursday

"I'll tell you, Col French, you can materially serve me, by giving me a Bill for two hundred, for two months or ten weeks

"I shall

"I shall at all times be happy to serve you in any way. I like Cap Sandon extremely, I suppose he is the managing person?"

"Drop me a line in answer."

"M A C"

1st Letter from Mrs Clarke

14

"Mrs Clarke's commission to attend on Colonel Sandon will be glad to see him to-morrow from eleven till one."

"Thursday, Feb 28

Indorsed

Two Penny

POST

Coventry St

"Colonel Sandon, 2

"No 8, Lyon's Inn,

"Whych Street"

15. "My Dear Sir,

"I am vexed to death, you will know the state of my finances, and I hit upon Spedding for Tuesday, when, behold, the Regt he is in did their exercise so bad that the Duke swore at them very much, and has stopped the promotion of every one at it! He said so much to the Col Wemyss (I think) that if he had been a Gentleman he would have given up—but he intends looking over the Memorial to-day, as S has not been long in that Regt and he is an old Officer. So that you see if he gets his promotion how very much he ought to be indebted to my good offices. I must beg hard for him, the Duke is very angry with you, for when he last saw you, you promised him 300 Foreigners, and you have not produced one—O, yes, master Sandon is a pretty fellow to depend on. I wish I had hit upon Eustace first. I told you, I believe, that they must be done gradually, his Clerks are so cunning. Get Spedding to write out a list of his services, and send it to me as a private thing to shew him, not addressed to any one.—Adieu"

16. "Dear Sir,

"I asked this morning if he himself read those papers I gave him of the Col's, he said that he had; but that he still asked so much more than other men, that he could not think of closing with him! However let him send again, as perhaps he forgets his papers in his hurry, especially as he had those at home

"I cannot do myself the pleasure of being [torn]

17. "Dear Sir,

"I shall esteem it a favor if you will make immediate enquiry about a Lieutenancy, (I understand there are two to be disposed of in the 14th Lt Dragoons) as Charles Thompson is determined to quit his next week, and I wish for his own sake that he goes direct to the other, as the Duke might be displeased with any one being idle at this critical moment. If you are in the way I shall expect a line—just to say if you think it possible for him to purchase so soon—His R H goes out of

M m 2

tow

* went to Chelmsford Saturday, and returns to town to his office 3 o'clock Tuesday

"Colonel Sanden,"

"M. A. C."

No 15, Westminster Bridge*,
Bridge Street, Westminster

18 "Dear Sir,

"Major Taylor has proposed to do something in the Irish Levys for his 1st Colonelcy, but it will not be effected, the friends of ours says he will let him purchase, altho' he is so young a Major, but this you know is nothing to us, so do you see him, and if you enter upon the same terms as before, I think I shall be able to teize him out of it, let me know the result of it soon as possible

"Do you think it at all possible for you and French to let me draw a bill on you for 200/ I am so dreadfully distressed, I know not which way to turn myself, and before that will be done you are aware of what is to be done for me in that negotiation. Thank you for the Pig, it was the most delicate thing of the kind possible. Adieu

Wednesday, Jan 30

"Dear Sir, I am, &c"

19 "Dear Sir,

"As I leave town on Monday evening and running short of Cash, will you be kind enough to send me by Monday the Hundred Pounds.

"Colonel Sanden."

"M. A. C."

20 "Dear Sir,

"Most unfortunately Lord Bridgewater has asked for the vacancy ere indeed it was one, so that that is done torn ;

but H. R. H. will let me know if he can at 4 o'clock — He does not go out of town, as intended, to-morrow, on account of his Majesty having been indisposed yesterday, and still fears it — I have a Bill due either Saturday or Merday, I know not which day; can you get me the five hundred guineas — he has been signed and will be in the Gazette to-morrow, you know who I mean

"Instead of a 60 guinea harp let it be 100, as I told him you was going to present me one, therefore it must be very elegant

"Tell Zimmerman he shall have torn he wishes for 700 guineas, not he shall have it in a month

"Don't forget my scribble soon as read

"I do not go out of town to-morrow."

"Colonel Sanden, No 15, Bridge Street, Westminster.

"or Duke Street, Adelphi No 9 Office

21 "Dear Sir,

Thursday

"I am extremely sorry to inform you (for the poor boy's sake) but it is impossible to admit him, as he has that misfortune you mentioned of

* The words printed in Italics were drawn through by a pen
being

being one eyed. Do you think it possible to get me a vote on Monday for Pitt's Motion? it will if carried be of some consequence to us here after, try all you can.

"I remain, Dear Sir, Yours, &c &c

"Colonel Sandon,

"M. A. CLARKE"

"No 15, Bridge Street, Westminster Bridge

"Send me an Answer"

22

"What you ask will be at your service, and the Letter will be at your Office Monday Morn

"Colonel Sandon"

23

"Mrs Clarke will be glad to see Captain Sandon to-morrow, before twelve o'clock, if he is in town, if not, Monday at 5 —

1 o'clock Post mark.

Post mark

6 JY

Friday

2

1804 N T

Col Sandon,

TWO Py POST

No 15, Bridge Street, Westminster Bridge

Unpaid

24

"Dear Sir,

"There is not any such thing in Contemplation as the written question Will you again ask about an India Lieutenancy? as the Duke assures me there are two for sale In consequence of what I mentioned to him of Kenner he has made many enquiries, and finds him to be a black sheep, he offered to buy Col Gordon a few days since!!

"M. A. C."

"Colonel Sandon"

Indorsed

48th antedate

25

"Dear Sir,

"Ere I leave town I scratch a few lines, begging you to be on your guard in every point, but of my name in particular, for the future never breathe it—I am confident you have a number of enemies, for yesterday the ——— was assailed from seven or eight different persons with envective against you—He is a little angry at something, yet will not tell it me—I think this fellow Kenner tries his friends—they laid fine complaints against you—did you tell Zemminees that as soon as Toynyn was gazetted you will get him done? in the same way, and that I was the person? Let me see you on Tuesday

"Adieu, I am interrupted."

26

"My Dear Sir,

"Be so good as to look at the Gazette to-morrow evng, as I rather expect some of the names to be inserted I have others which I assure you upon my honor The present for my trouble for the Majority is seven hundred guineas, so if you have any more this must be the same

M m 3

—I shal

—I shall be in town Monday, if you will have any thing to communicate I remain,

"Friday Evng
"7 o'Clock, 28 Sp
"1804 N^e "

"Dear Sir, yours, &c &c
"Colonel Sanden,
"No 8, Lyons Inn,
"Whych Street, Strand "

"M A. C."
"Two-Penny
"POST "

27 "Dear Sir,

"22d 8th

"I made a mistake, it is the 22d Regiment Mr Thompson is to purchase into, on the 8th Shall I see you to day ?

"What is Thompson to say to his Colonel? "M A C "

"Charles Farquhar
"Thompson,

"Colonel Sanden,
"15 Bridge Street,
"Westminster "

"13
"to 8 or 22d "

28

"I gave the papers to his Royal Highness, he read them while with me, said he still thought Men by 1, but that an Answer would be left at his Office as the way of business

"I told him if any was appointed, to give the Col the preference. But this soon as read—I do not comprehend exactly what you mean by five other things, I don't think it possible."

29

"Can you send me one hundred pounds to-day?—and let me see you to-morrow morning

"Colonel Sanden "

"M A C "

30 "Dear Sir,

"Friday

"Will you go to the Horse Guards for me to-day, and leave a proper letter as coming from Charles Thompson, asking for leave of absence for a fortnight, but if his services should be wanted he would join immediately if you know any belonging to the Adjutants, you could get it by to-morrow

"Colonel Sanden "

"M A C "

31

"I have a letter which says you are a money-lender, in college with a notorious man called Dell I wish to shew it you."

"I hope you will attend the Duke to day, as Clinton leaves him on Thursday and he has all the writings for you in hand he will not leave his Office till six —

"I shall be glad of a hundred guineas if possible this week Saturday week Toynin will be Gazetted—How comes on French? Call to-morrow if possible.

"Colonel Sanden,
"15 Bridge Street, Westminster."

32

" As your Servant has called, and fearing you may not have my letter—beg you to see the Duke to-day at all events; or else things will be longer about, as Col Gordon takes Clinton's place on Thursday "

33

" Dear Sir,

" Pray what can Speddings mean by asking on Thursday, thro' Gen. Tonyn, for leave to go upon half pay? tis odd behaviour, and you must think that some one thinks me used very ill of course, till this is fully explained, I shall drop all thoughts of any thing else

" Saturday,

" Colonel Sandon."

" I remain your's,

" M A C "

34

" Sir,

" I am exactly treated as I have been led to believe, from more than one quarter, but will thank you to send me Colonel French's Address to-day before the Post goes out—I have nothing to do with your Agent, you know

" I remain, Sir, your most obedt.

" M A C "

35

" As Col Sandon did not call according to promise, Mrs C hopes he will have the goodness to send her a Bill at two months, in the morning—surely all things will be settled before that becomes due. Mrs C hopes he will not disappoint

" Monday

" Colonel Sanden,

" Lyons Inn, Whych Street "

36

" Sir,

" You have disappointed me dreadfully, a Bill of one Hundred at three months is useless, it must be for two hundred at three months, or

for one hundred

one at six weeks or two months I beg you to return it by the bearer, as I mentioned my situation to you —Word it thus.—I promise to pay to Six weeks or Two months after date, pay Mr Thompson or Order, the Sum of One hundred Pounds for value received

" Pray let me have it this evening at all events

" M. A C "

37

" Mrs Clarke's compliments attend Capt Sandon, will feel herself much obliged if he will do his best for Thompson in the recruiting business, as on his getting the men early will give him first rank

" Mrs.

"Mrs C has not been able to get an answer from H R H about Taylor "

Dec 26
Colonel Sandon,
No 8, Lyon's Inn,
Wych Street.

2 Two Py
POST
Blandford

Dec 26th 1804

Dec 26, 1804
J S

7 o'Clock
26 DE
1804 Nn.

38

" Mrs C must again intreat the assistance of Col. S——— He well knows she has always done as he has wished her to do.

" Colonel Sanden, No. 8, Lyon's Inn, Wych Street "

39

" I am told an Answer is left out for Col French at the office, and that now he has dropped three Guineas per man —

" I am not aware of what the answer is intended to convey

" Mr Com

1011

k will "

40.

" I hope you will not disappoint me, as on you alone depends my hopes of taking up a Bill over due

" Colonel Sanden "

41

" 2, Westbourne Place, Sloane Square,

" Dear Sir,

" December 2nd

" Let me know where you are, and I have not the least doubt but I can serve you essentially, and remain as ever your friend.

6081

" MARY ANNE CLARKE "

of up

Captain Sandon,

D

Waggon Train,

Spain *

By Mess Greenwood & Co *

Lion Inn, Strand, London,

Indorsed

2d Dec 1808

PORTSMOUTH,
Jan 29
1809

* The words in Italic were erased by a pen

found in Captain Sandon's Bureau.

42.

Seal

Torn Envelope of the Note from Dover,



DOVER.

72

George Fargharr Esq.

The torn Edge of the Paper.

HOUSE OF COMMONS,

THURSDAY, FEBRUARY 23

The SPEAKER, from the Chair, thus addressed the House

" I have to acquaint the House, that since I came to the House I have received a letter from his Royal Highness the Duke of York, the contents of which relate to the Inquiry now pending before the Committee of the whole House. With the permission of the House, I will read the letter "—

The letter was then read.

" Sir,

House Guards, Feb. 23, 1809.

" I have waited with the greatest anxiety until the Committee appointed by the House of Commons to inquire into my conduct, as Commander in Chief of his Majesty's Army, had closed its examinations, and I now hope that it will not be deemed improper to address this letter through you to the House of Commons.

" I observe with the deepest concern, that in the course of this Inquiry, my name as been coupled with transactions the most criminal and disgraceful, and I must ever regret and lament, that a connection should ever have existed, which has thus exposed my character and honour to public animadversion.

" With respect to my alleged offences, connected with the discharge of my official duties, I do, in the most solemn manner, upon my honour, as a Prince, distinctly assert my innocence, not only by denying all corrupt participation in any of the infamous transactions which have appeared in evidence at the Bar of the House of Commons, or any connivance at their existence, but also the slightest knowledge or suspicion that they existed at all

" My consciousness of innocence leads me confidently to hope, that the House of Commons will not, upon such evidence as they have heard, adopt any proceeding prejudicial to my honour and character, but if, on such testimony as has been adduced against me, the House of Commons can think my innocence questionable, I claim of their justice, that I shall not be condemned without trial, or be deprived of the benefit and protection which is afforded to every British Subject, by those sanctions under which alone evidence is received in the ordinary administration of the law

" I am, Sir, your's,

FREDERICK."

" To the Speaker of the House of Commons "

The letter was ordered to lie on the table, and the Speaker observed that this being a case of great importance he thought it proper that a copy of it should be made by the Clerk for the use of the House—which being ordered,

Mr BANKS expressed a wish to know what instances there were of proceedings of such a nature, and what was the course usually pursued

The SPEAKER observed, that all letters addressed to the House, must of course be addressed to the Speaker. Sometimes these were mere letters of course, and in such cases he communicated them to the House without putting any question on the subject, and they were then entered on the Journals. Letters were also sometimes addressed to the Speaker on the subject of charges pending before the House, and of this there had been an instance at no very remote period, in which the writers of such letters desired to be heard at the Bar. These letters were not communicated to the House as matters of course, but then communication became the subject of a question to the House. In one instance he recollected a precedent of a letter of this sort being ordered to lie on the table, on the motion of a Member.

FRIDAY, FEBRUARY 24.

Mr. Whitbread called the attention of the House to the letter which had been received and read the preceding day, which he said most seriously affected the privileges of the House. He did not object to it at the time of its being read, as it was his wish to act with prudence and caution, he however thought it was incumbent on the House to bestow on it its most serious consideration, as it struck at its vital principles. This produced a reply from Mr. Percival, when after some observations from Lord Henry Petty the consideration of the Conduct of his Royal Highness the Commander in Chief was fixed for Wednesday the 8th of March

FRIDAY, MARCH 5

A long discussion arose on a suggestion of Mr C. W. Wynne relative to the prevarications of General Clavering the further consideration of which was deferred till after the decision upon the general question. This formed the preliminary proceedings, with the exception that on Monday the 6th the Chancellor of the Exchequer stated that by mistake a Paper had been omitted in the printed Copies of the Evidence, it was the letter from his Royal Highness, which contained an enclosure, and the letter bore the mark of the Dover Post Office, on this information being communicated, Mr. Whitbread said he trusted the letter itself would be produced on the discussion, so that it might be seen no alteration had taken place. For this purpose he wished all the Papers should be open to the inspection of the House

WEDNESDAY,

WEDNESDAY, MARCH 8

Previous to entering into the discussion of the circumstances disclosed in the evidence, Lord Folkstone moved a call of the House, which was agreed to *

Mr WARDLE moved the Order of the Day for taking into further consideration the Report of the Committee appointed to inquire into the conduct of the Commander in Chief, which being agreed to—

Mr WARDLE then declared that he was fully aware of the difficulty of the situation in which he was placed, and should therefore not trouble the House with many words, before he proceeded to the examination of the evidence that had been taken at its Bar, and to the comments which it would be necessary for him to make upon those parts of that evidence to which he would have to refer. He had studiously, on all occasions throughout the progress of this investigation, avoided any thing that could lead to personality or irritation. Such at least had been his intention, and if he had done otherwise it was from inadvertence, and he should, he trusted, meet the indulgence of the House. However he might have been hurt that motives not very warrantable had been attributed to him for his conduct in this business, he had not suffered such feeling to influence him in the progress of it. Though he did think that in the early part of the business he had been treated more harshly than he ought, he would now speak of the favours which he had experienced in the course of the investigation. In the first place he had to return his thanks to his Majesty's Ministers for the indulgence which he had met with at their hands. In the progress of the Inquiry he had never observed any disposition in them to take advantage of his little knowledge of the forms of parliamentary business, and for this they had his thanks. In the early part of the proceedings he had experienced the assistance and support of a most worthy and Honourable Member of that House † of which he had been soon deprived from the ill health of the individual in question. With respect to his Noble Friend ‡, who had assisted him during the most arduous part of the trouble—whose active co-operation he had experienced at the moment when nothing was more confidently talked of than the odium and disgrace which would light upon the accuser of the Duke of York, who notwithstanding this and every other consideration, which might have deterred a less zealous man, voluntarily come forward, and put himself in his (Mr Wardle's) situation, he felt it unnecessary to offer any thanks to him. While his Noble Friend was in possession of that satisfac-

* Public curiosity being so much excited on this important occasion, above four times the Number of persons the Gallery could contain, were collected, long before opening the doors of the House, and a great crowd continued about the lobbies and avenues during the whole time of the discussion.

† Sir F. Biddett

‡ Lord Folkstone

top,

tion, which ever results from the consciousness of firm and unshaken rectitude, and of the reward which follows the conviction of having acquired, and deserved the applause of his country—any thanks of his would be as nothing. There was nothing at which he more rejoiced than at the able manner in which his Royal Highness had been defended. The Ministers—the Law Officers of the Crown, and several of the most skillful men in the House had exerted themselves for that purpose—and he was happy to think that all must be convinced that nothing more could have been done for him. Still, however, with all the support that it was right to give to the Duke of York, the Representatives of the People were to recollect that they owed a paramount duty to the Country. He relied on the strength and justice of his cause, and on that only—and would therefore proceed to offer some remarks on the evidence, after which he would submit a Resolution to the House, founded on the view, which he imagined, must be entertained upon the whole of the case.

THE EXCHANGE OF COLONELS KNIGHT AND BROOKE.

The first case to which he would call the attention of the House was, that of the Exchange between Colonels Knight and Brooke, the evidence respecting which he should shortly run over.

“ The first witness called was Dr Thynne, who stated that he had been
 “ desired by Mr Knight to speak to Mrs Clarke on the subject, and to
 “ offer her two hundred pounds for expediting the exchange in question—
 “ that he had applied to her accordingly, and offered her two hundred
 “ pounds,—that Mrs Clarke, when his business was effected, sent him the
 “ Gazette, which he transmitted to Mr Knight—and that a fortnight or
 “ three weeks had elapsed from the time of the application and the effecting
 “ of the exchange. Mr Robert Knight had corroborated the testimony
 “ of Dr Thynne. He sent the two hundred pounds to Mrs Clarke, which
 “ he had authorized the other witness to offer. He went three times for the
 “ Gazette, and then that about a fortnight went on, or perhaps three
 “ weeks—and he added, that Mrs Clarke had desired him to keep the
 “ transaction secret, lest it should come to the ears of his Royal Highness.
 “ Mr Clarke had stated, that she had sent the Gazette to Dr Thynne—
 “ that she had given the slip of paper left with her by Dr Thynne, contain-
 “ ing the names of the parties, to the Commander in Chief—that she told
 “ him she did not know the names, but that she was to receive a pecuniary
 “ compliment—that she received the money in the Duke of York’s pres-
 “ ence—and that she thought that one of his servants had been sent to get
 “ one of the notes changed—and that she had desired that the transaction
 “ might be kept secret, but not from the Duke of York—that two or three
 “ days after the application the exchange had been Gazetted—and that the
 “ Commander in Chief, upon her mentioning that she was to receive a
 “ pecuniary compliment, said, that he knew the business, that they had
 “ been for some time trying to effect it, and that one of the parties was a
 “ bad subject, but that he would do it ”

Upon this evidence Mr Wardle observed, that it must be admitted that two hundred pounds had been offered to Mrs Clarke for expediting this exchange, and that this sum was paid her under the impression, that her influence with the Commander in Chief had answered that purpose. The next point was, whether she had actually used her influence with the Commander in Chief. She said she had done so, she said that she gave the slip of paper, with the names of the parties, to the Duke of York, observing that she did not know them, but that she was to receive a pecuniary compliment. It appeared from the evidence of Dr Thynne and Mr Knight, that a slip of paper of this description had been given her, and that she did not know the parties, and so far her testimony was completely confirmed. Mrs Clarke further said, that when she presented the paper, his Royal Highness had said, that he knew the subject, and that they had been trying at it for some time. This was actually the case, and how she was to come to the knowledge of that circumstance, except through the Commander in Chief, he did not know. His Royal Highness had said that one of them was a bad subject, and it actually appeared from the papers on the table that Colonel Brooke had only served as a Cornet in a regiment of Cavalry for four months, and out of the twelve years he had been for seven years upon half pay. Unless, therefore, there were particularly strong reasons for giving Colonel Brooke this advantage, it ought not to have been done, especially when it was considered that he would thus be placed in a situation where he might have to command a cavalry regiment—a duty of great difficulty, and one that in ordinary cases could not have been expected to be very well performed by a person who had only served in the cavalry as Cornet for the space of four months, and who had been for seven years out of twelve on half pay. Mrs Clarke said that she shewed the notes to the Commander in Chief, a circumstance that derived probability from her having received the money immediately before his Royal Highness left town for Weymouth.

“Penson the baker, had said, that on the night that the Duke of York went to Weymouth, about twelve o'clock at night, he was sent out to get a bill changed, that the Duke of York was present at the time, that the witness believed it was a bill of one hundred pounds, that he tried to get the bill changed at Stevens's in Bond Street, that he had not succeeded, and that he succeeded at Lyfield and Bridgeman's, the confectioners, in Vere Street.”

He admitted that the evidence of Penson was somewhat confused. He seemed to have been mistaken when he said that it was at Bridgeman's, and not at Stevens's, that he got the note changed. But at the same time, he certainly appeared to have spoken what was true to the best of his judgement, and with the exception of this mistake, there was every reason to give credit to his testimony. Mrs Clarke had said, that she believed that there were only two or three days between

between the date of the exchange and the application. Doctor Thynne and Mr Knight had said a fortnight or three weeks, and Mr Knight had said that he went three times for the Gazette. That they differed so far was clear, but on a point such as this, which depended so much upon accuracy of recollection, it was not at all surprising that there should be such a trifling variation. It was obvious that they had stated it as a case that required dispatch, and no doubt she exerted herself to effect the exchange as speedily as possible, for if their object was dispatch, hers was to get the money which she might lose if the affair was not hastened.

There was also a variation as to the point of keeping the matter secret, Mr Knight, however, must have been persuaded when he gave Mrs Clarke the two hundred pounds that the exchange had been expedited through her influence with the Duke of York, and consequently that the Duke of York must have known it. If Mrs Clarke therefore had desired him to keep the matter secret from the Duke of York, he must have thought that she swindled him out of the two hundred pounds for it was only by application to his Royal Highness that she could effect the object; and therefore Mr Knight must have believed that the Duke of York was acquainted with the transaction. Was it credible upon any other supposition that he would have given her the two hundred pounds? That Mrs Clarke required secrecy in these transactions was indeed true, as appeared from the evidence of Mr Com and others. The reasons for this were obvious—but it was impossible from their nature, that she could have desired secrecy, so far as concerned the knowledge of the Commander in Chief. The letter of the Duke of York to Mrs Clarke, respecting the application of General Clavering for a regiment—a letter written with a great deal of caution, proved that he was accustomed to communicate with her on these subjects.

“Clavering is mistaken, my angel, in thinking that any new regiments are to be raised, it is not intended, only second battalions, you had better therefore tell him so, and that you were sure there would be no use in applying for him.”

You are not to tell the quarrel from which you receive the information, no Duke of York is to be mentioned. It was clear from this how much he wished to keep his name secret with respect to these transactions—but after such letters as this, Mrs Clarke could not be in her senses if she had expressed any fear of the Duke of York's becoming acquainted with these applications—“*You would do this and you would do that,*” was a mode of expression which clearly manifested the Duke's desire, that he should not be brought forward, and on that account, as well as for other reasons, Mrs Clarke might be anxious for general secrecy, but it was absurd to suppose that she could have any apprehensions from whatever knowledge the Duke of York could have on subjects, which she well knew he was already acquainted with.

But there were written documents on the table of the House,

which spoke as strongly on this point as the evidence at the bar. On the memorandum by Messrs. Cox and Greenwood, of Brooke's services, there were pencil marks, first: "*C. L. Cannot be acceded to; his Royal Highness does not approve of the exchange proposed.*" This statement was dated on the 1st of July, but in a short time after, that is, on the 23d of July, another pencilled mark was made on the statement, *July 23, 1805; his Royal Highness does now approve of this exchange.*" Colonel Gordon in his evidence stated, that the words "not acceded to" meant nothing more than not acceded to till the necessary inquiries should be made; and that if the paper was to be considered, he should probably have said so; and if further inquiries should be necessary, might note, "*to be considered, or probably cannot be acceded to*" That this phraseology might be understood at the Horse Guards, he admitted; but that it could be understood in the sense ascribed to it by Colonel Gordon any where else, he denied. Unless it was to be contended that words of direct refusal implied only consideration, it was impossible to assert that the words could have such a meaning in any other part of his Majesty's dominions except it that spot called the Horse Guards. But as if it had been thought that the words "cannot be acceded to" were not sufficiently strong, it was added, "*his Royal Highness does not approve of the exchange proposed.*" If he were a party in the transaction, he certainly could not have expected any further inquiry, after being told that the proposal could not be acceded to; and every person asking a favour must have taken these words as a complete denial. In another document, it was said, that the services of Col. Brooke could not but be favourably considered. But the services of Col. Brooke were stated in the paper on the table, where it appeared that he had served four months as a Cornet in the 8th Dragoons; and that, out of twelve years in the army, he had been seven years on half pay. But Colonel Gordon assured us, that the request was complied with on the ground of his services. These, however, were such as he had stated; such they were when the request was refused; and such they were when it was granted. Colonel Gordon did not recollect any person of whom he had made inquiries after the refusal; and when Gentlemen recollected what admirable testimony Colonel Gordon had given on other points and the correctness with which he had detailed the minutiae of the business of his office, it would appear rather extraordinary that when an exchange had been effected, as he had stated, upon inquiries made by him in his official capacity, he could not recollect one word of the result of these inquiries, nor the person from whom the information had been received. He would ask then what made an Officer eligible for the command of a regiment?—The situation of an Officer who might have the command of a cavalry regiment was a very difficult one, and required considerable experience in that particular service, of which experience Col. Brooke had but little

Colonel

Colonel Gordon had said, that by a rule of the Commander in Chief, no officer could be promoted to the rank of a field officer under six years service; an excellent rule, and highly honourable to the Commander in Chief*, and one which would have been of essential advantage to the army if adhered to. But it was material to observe, that if the seven years, during which this Officer had been on the half-pay, were deducted from the twelve, (the whole of his services,) there would remain but five; and to select an Officer of five years actual service, only four months of which he had served in the cavalry, for the command of a regiment of cavalry, was an infringement of the excellent regulation of the Commander in Chief. It might be argued, that the event had proved that Colonel Brooke was well worthy of the situation; that might be; he did not know Colonel Brooke, but probably he was a very meritorious Officer. That, however, was nothing at all to the question, for, at the time, Colonel Gordon could have had no ground for the recommendation, if ever he did recommend him, about which he appeared somewhat doubtful. He only adverted to this circumstance to shew its bearing upon the case, as it went to shew that the exchange must have been effected through the influence of Mrs. Clarke. It appeared to him fully, clearly, and strongly to corroborate that fact; and when the whole of the case should be considered, he thought it impossible that any Gentleman in the House could be of any other opinion. That was his impression, and he did not think it necessary to trespass further upon the time of the House respecting that case, but should proceed directly to his other statements.

CAPTAIN MALING'S CASE..

Although it was his wish to have withdrawn this case at the time it came first before the Committee, he was very glad that the Committee had not thought proper to accede to that proposition, for he now conceived it to be a case as interesting to the Officers of the Army as any other whatever, and though it did not afford proofs of Corruption, there was ample room for censure. It was admitted, that at the time of his promotion there were a great number of Officers who wished to purchase, and many, his seniors, distinguished for long and meritorious services who wished to be promoted. This was admitted by Colonel Gordon; and it appeared that the only reason for the preference given to Captain Maling, was his unexceptionable character and assiduity. But the question was, why had he been put over the heads of so many other officers of acknowledged ability and service! This gentleman, though assiduous and of an unexceptionable character, had never been out of England; and he would ask, whether it was not improper—not to say corrupt—to raise him over the heads of so many officers of long and painful service? In the progress of the investigation upon

* Here was a loud cry of "hear, hear!"

this case, it came out that there was another Maling in the office with Colonel Gordon, who was made a Captain without any military service at all, who had never joined any regiment, and whose only recommendation was his assiduity under Colonel Gordon. On that ground Colonel Gordon had recommended him as a fit person to be placed on the half pay of a Captain, and since that time he had been on full pay, to the exclusion of others who had served in all quarters of the world—There was Act of Parliament which provided that no officer who had ever joined any regiment should be put on half pay, and unless this was repealed, to put him on half pay would be a violation of the law, and so far worse than having him on half pay. That the Commander in Chief ought to have the power of rewarding extraordinary merit in this way, he was willing to allow, but unless the power was limited, it would always lead to corruption and mal practices. British Officers would never repine at promotions bestowed for gallant acts in the field, they would rather feel gratified on such occasions, but it was impossible that they should not feel the strongest dissatisfaction at their being given to Gentlemen in Colonel Gordon's Office, who had never performed any service at all. Mr Wardle then called the House to the case of Colonel Gordon himself, in order to shew the bad effects of the existence of such an unlimited power in the Commander in Chief. Colonel Gordon's services might have deserved a reward, but he would not go so far as to say, he ought to have been rewarded at the expence and to the injury of several hundred deserving Officers. He would not go so far as to say, that he ought to have got a regiment in preference to numerous Brigadier Generals, Colonels, and senior Lieutenant Colonels. He did not think he deserved so much, and now that Gentleman had had time to reflect on these matters, they would see in these things a great abuse of a power which ought not to be vested in any Commander in Chief whatever.

COLONEL FRENCH'S LEVY

The next case, which was a very important one, was Colonel French's Levy—Mr Wardle here gave a brief summary of the evidence, by which he considered the case to have been proved

“ Captain Huxley Sandon had stated that he applied to Mrs Clarke to
 “ procure her influence for himself and Colonel French in this Levy—that
 “ they were to pay her five hundred pounds upon receiving the letter of
 “ service, and that she was to have two thousand pounds if the Levy suc-
 “ ceeded—that she had been paid several sums in the progress of the business.
 “ Mr Corri stated, that he was to receive two hundred pounds for intro-
 “ ducing them to Mrs Clarke, that she said she could recommend none
 “ but persons of character, and that it would be necessary for them to go
 “ through the regular forms at the War Office, that in the month of July
 “ 1804, she had desired him to destroy her letters. Dowler spoke to the
 “ operation in the terms, by which the number of boys was to be in-
 “ creased,

"creased, and by which Mrs Clarke for her good offices was to receive a
 "guinea per man Dowler had also stated, that he had advised her not
 "to trouble herself with matters of this sort, and that she alledged as the
 "reason, that she was forced to do it because the Duke of York did not
 "supply her with money for her establishment Mr Grant, the agent for the
 "levy said, that he understood that it was to be obtained through the influence
 "of a Mrs Clarke, who was to be paid five hundred pounds immediately
 "He also spoke to the alteration to be procured through Mrs Clarke's in-
 "fluence, and to the loan to be advanced to the Duke of York upon pay-
 "ment of the arrears. Mrs Clarke had said, that she received the five
 "hundred pounds and had paid them to Bunkitt the silversmith for plate,
 "and the remainder of the price of the plate she believed to have been paid
 "by the Commander in Chief, for he, as she imagined, had told her so
 "Miss Taylor stated, that the Duke of York said to Mrs Clarke in her
 "presence, 'I am continually worried by Colonel French—he worries me
 "continually about the levy business, and is always wanting something
 "more in his own favour—how does he behave to you darling?' To
 "which Mrs Clarke replied 'maddling, not very well,' upon which the
 "Duke of York said, 'master French must mind what he is about, or I
 "shall cut up him and his levy too,'—bills were also drawn on the Duke
 "of York relative to this business, and liquidated by his checks upon
 "Coutts's house "

From all these corroborating circumstances it must be admitted,
 that Mrs Clarke had received from these parties, a pecuniary re-
 ward for her influence with the Duke of York, and that sums had
 been advanced her from the impression that she had exerted that
 influence with effect The next point was, whether she actually
 had that influence to which she pretended. Captain Sandon said,
 that he had been fifty times with her upon this business, and she
 said that she was teased to death by him and Colonel French upon
 this subject, and that she gave them notes unopened to the Duke
 of York It appeared that they had paid her seventeen hundred
 pounds in small sums in the course of the transaction, which they
 would never have done had they not been fully convinced that she
 actually possessed the influence over the Duke of York's mind to
 which she pretended

Mr. Waitle then adverted to the letters of Mrs. Clarke to Cap-
 tain Sandon, which he contended afforded several proofs of her
 influence with his Royal Highness. She said in No 28, "I gave
 the papers to his Royal Highness, he read them while with me,
 said, he still thought men high, but *that an answer would be left*
at his office in the way of business. I told him if any was appointed,
 to give the Colonel the preference—but this as soon as read—I
 do not comprehend exactly what you mean by five other things, I
 do not think it possible" In this letter, Mrs Clarke stated what
 she had done with the papers, the Duke's remark upon them, and
 his pointing out where Captain Sandon would receive an answer,
 She knew, it appeared, as much of official regularity as Colonel
 Gordon, by directing Captain Sandon to go to the Horse Guards
 for

for his answer. It was impossible Mrs Clarke could have made such communications to Captain Sandon, unless she actually possessed the influence over the Duke of York which the parties believed her to enjoy. In another letter, No 31, she says, "I hope you will attend the Duke to day, as Clinton leaves him on Thursday, and he has all the writings for you in hand, he will not leave his office till six. I shall be glad of one hundred guineas if possible this week." Here she said, that Clinton was to leave the Duke on a particular day—that he had all the papers in his hands, and that the Duke would not leave the office till six. She wished to send Captain Sandon to the Office to attend the Duke. How could she have known these circumstances about Clinton, and the several other matters, unless she had a direct communication with the office and the Commander in Chief. In No 39, she said, "I am told an answer is left out for Colonel French, at the office, and that now he has dropped three guineas per man." This was another proof of the fact which he had stated. In No 11, she said, "You are to have the bounty that Pitt is to give to the line, so that every thing goes on well. I told him that I should see you at Vauxhall on Monday." In No 8, she said, "The Duke told me this morning you must get on faster with your men—he has written to town for that purpose—you had better send me the exact number of all you have sent, and I will show it him." Here she called for documents as an agent to transmit them to the Commander in Chief. Could any one, after attending to the statements in these letters, really persuade himself that she could possibly have done all this without a communication on the subject with the Commander in Chief? In No 10 she said, "she thought it best that Sandon should not come to her box that evening, as Greenwood was to be at the theatre with the Duke, and if he saw her and Sandon together he might say something about the levy business, and hurt their future interests." In her evidence she stated, that if she and Sandon were seen together it might occasion a suspicion about their connection in the levy business that might be injurious to them. This apprehension was very reasonable, because if any such suspicion should arise in Greenwood's mind, he might state it to the Duke of York, who might find himself obliged to put an end to the levy, or place himself in a very unpleasant predicament. In No. 6, she said, "He will do it, so let the proposals be sent in by when he gets to town, which will be as soon as you get this, for one thousand at first. The Duke of Cambridge has already four thousand. You have not any occasion to be very particular as to their being Protestants, for I do not think it of any consequence to him." I think you had better attend him on Tuesday to ask his opinion of the papers sent in on Saturday, *as I told him I had seen the proposals* which you intended to alter and leave that evening." This letter related to the German levy, and it was rather extraordinary, that of the documents on the table, none could be

be found that referred to that transaction. Though there were no official documents to shew by what authority Colonel French undertook to raise men in Germany, certain it was, and he could prove it, that he had sent recruiting parties to that country. If therefore no official authority for doing so could be shewn, and it could be proved that he actually did this, then it was clear he did it on the authority of Mrs. Clarke alone, or of the Duke of York through her, as directed in this letter. By this it was seen that Mrs. Clarke examined proposals for raising one thousand men in Germany, and made a report thereon to the Duke of York, acting, in this instance, in the capacity of Commander in Chief herself. It was also clear, that she had done so from this circumstance, that she desired Sandon to wait upon the Duke of York to talk over these very alterations. She represents herself as having suggested to him, which she would not have done unless she had really held such a conversation. The next letter (No. 15), stated, that the Duke of York was "very angry with you (Sandon), for when he last saw you, you promised him three hundred foreigners, and you have not produced one. O yes, Mr. Sandon is a pretty fellow *to depend on*." This was a positive proof that the German recruiting was carried on with the knowledge of the Duke of York. It was also a proof of Mrs. Clarke's knowledge of the proposals made by Sandon to the Commander in Chief, which she must have been made acquainted with by his Royal Highness. After these letters, in addition to the evidence heard at the Bar, there could be no doubt on the mind of any one that Mrs. Clarke possessed influence over the Commander in Chief, and used it on this occasion.

The next point to be examined was, whether the Commander in Chief knew of Mrs. Clarke's receiving pecuniary consideration for the use of her influence. Mrs. Clarke asserts that she told him, but he would suppose that such was not the case. For a long time applications without end were made, and he would ask, was it possible for his Royal Highness to assign any other reason for her continued exertion and interference, but that she received a pecuniary reward for her labours. He would have asked her why she interested herself so much for Colonel French's levy, and what were her motives for wishing so earnestly to procure all the alterations required. What answer could she have given to such interrogations but the true one, that she received money for her influence. If she said it was her friendship for the parties that induced her thus warmly to espouse their cause, such a declaration would not have been very satisfactory to the Duke of York. From this he inferred, that his Royal Highness must have made such an enquiry, and would have been satisfied with no answer but the true one, that a beneficial consideration was paid to Mrs. Clarke for her services. Money was sent to her for this transaction at all times without concealment or reserve, and not at all as it would have been, had Mr. Clarke been at aid of its coming to the knowledge

ledge of the Duke of York. It also appeared from the evidence of Mrs. Clarke and Mr. Dowler, that a loan of five thousand pounds was negotiated for his Royal Highness himself, which had not much the appearance of a wish to conceal these things from him.

Another point was the establishment in Gloucester Place, which he hoped would be kept in view through every part of the discussion. Without some such method as this for procuring money, his Royal Highness must have known that Mrs. Clarke could not have supported her establishment. Then there was the evidence of Miss Taylor, as to his knowledge that Mrs. Clarke derived pecuniary advantage from this levy. "How does French behave to you, Darling," were his words, and when Mrs. Clarke said, "middling—not very well," he observed, "Master French had better mind what he is about, or I shall cut up him, and his levy too!" Now, after this evidence, it is certainly put beyond a doubt, that his Royal Highness had a knowledge of these pecuniary transactions, for if there can be one thing more natural than another — if any one thing can be more conclusive than another, it is this, that even unsupported by other testimony it is strong, but supported as it is, it is incontrovertible and irresistible.

In corroboration of his Royal Highness's possessing a knowledge of the pecuniary emoluments derived by Mrs. Clarke from the Levy, the Honourable Member adduced the case of Major Tonyn, where it was in evidence by Captain Sandon and Mr. Grant, that five hundred pounds were, on account of that promotion, to be paid to Mrs. Clarke by Mr. Dowler, that he saw the money paid, and by the persons belonging to the house of Mr. Bukett, that about the same period five hundred pounds, part of the amount of a service of plate, had been paid by Mrs. Clarke, and the balance by the Duke of York's own notes. This circumstance, he conceived, was conclusive as to the Duke of York's knowledge of the transaction. His Royal Highness must, from his granting bills only for the balance, have known that the five hundred pounds, had been paid by her, he must also have known that he himself had not given her money to enable her to pay this five hundred pounds. What was more natural, therefore, or did it not rather follow as a necessary consequence, that he should have asked her, had he been ignorant of the transaction, where, and in what manner she procured the money to pay this five hundred pounds, to account of a service of plate for the balance of which he granted his own notes. He confessed, that, with the full exercise of all due charity on the occasion, he could not conceive his Royal Highness to be ignorant either of the one transaction or of the other. That a particular accommodation was meant for an undue exercise of a right of patronage, he conceived the proposed loan of five thousand pounds by Colonel French, afforded a corroborative proof. Mrs. Clarke, in her evidence, stated, that application had been made at the offices, but that it did not succeed. Mr. Grant said

said, that Colonel French had applied to him to advance the loan, and, in this he was corroborated by Mrs Clarke. The Duke of York, in his letters, stated, that he had no knowledge of any transaction of the kind, yet, on this subject, there must have been a communication with him, and, if it had been carried on, he must have been a principal party in it, - If the loan had been negotiated, it was to have been done on proper security. To such security the Duke of York himself must have been a party, it being obvious that the security of Mrs Clarke could not have been received; and, therefore, his Royal Highness must himself have appeared.

He should next say a word or two about official papers, which appeared to be much relied on upon the other side. After the thing was settled with Mrs Clarke, there was, to be sure, a regular official application made by Colonel French at the War-Office. The application was acceded to, and the letter of service granted on the 30th of April 1804. The terms upon which the letter of service was granted were, that 5000 men were to be raised in thirteen months, with a power to discontinue the levy, if 4000 men were not raised in nine months, and yet, notwithstanding the terms of this letter of service, after the levy had been entirely unsuccessful, it appeared a most favourite corps; and, in the general regulation about subsistence, Colonel French was informed, that his corps was to be an exception. On the 7th of March 1805, when it had been nine months in operation, so far from producing the 4000 men that were spoken of in the official letter of service, it had not raised 200 men, and yet, instead of its being discontinued, according to the power reserved in the letter of service, farther indulgences were granted to it and the bounty was then raised. On the 15th of January 1805, Colonel French, instead of expressing any disappointment at the failure of the levy, wrote a letter to the Duke of York, complaining most severely of the conduct of Brigadier-General Taylor in obstructing his levy in Ireland, and shewing every possible hostility to it. Colonel Gordon, upon this letter, immediately wrote over to Mr. Kirkman, complaining of the conduct of General Taylor, The Deputy Inspector-General. Mr. Kirkman, in his answer, vindicated the conduct of General Taylor and inclosed a detailed account which was given by that General, which was worthy the most serious attention of the House. After stating a number of direct and serious charges against the levy and the Officers employed in it, it is directly stated that it had been managed in such a manner that every man that was raised cost the Country 150l, that the bounty amounted to little more than two guineas a man from Colonel French, as almost all that were raised were made Serjeants or Corporals, that as soon as the harvest was reaped, no more exertion was to be expected in getting men, that, in fact there was no chance of getting more, as Colonel French only gave eleven guineas bounty for privates, whereas sixteen was the common bounty given by others. At the time that Colonel French

French ventured to write such a letter to the Commander in Chief he must have known, that by the letter of service there was a power of completely discontinuing the levy, as, instead of producing the 4000 men that he had undertaken to get by that time, he had not got even 200. It would naturally be asked, how could the influence of Mrs. Clarke, or if any human being, have prevailed upon the Duke of York in favour of this levy, after he had received this long and official detail of their vile and abominable transactions mentioned in that Report? People might well ask, how could the Duke of York, knowing as he must have known, after reading this Report, what abominable acts were done under this letter of service, have avoided putting an immediate stop to it? By what influence was he induced to let a system go on, which was in direct opposition to the very terms of the letter of service? The levy was, however, allowed to go on after this statement had been received, and all the effect that it had, was to cause a gentle hint to be given to Colonel French, that he must endeavour to get more men. As to the representations of General Taylor and Mr. Kirkman, they were only noticed by a letter in a very different tone from Colonel Gordon. This letter was dated the 20th of February, 1805, and stated, "that a premature judgement had been formed on the probable success of Colonel French's levy, and that the terms of his letter of service were not allowed him." When he heard that an Officer who made a faithful report of the transactions under his inspection, received, instead of thanks, something which rather resembled a reprimand, he could not avoid saying, O! that such things as this should have so long existed in this country! Although it had been gently hinted to Colonel French and to Captain Sandon, that unless more men were procured, the levy must be discontinued on the 1st of April, yet, in point of fact, there appeared no intention of discontinuing it at all, until General Whitelocke wrote a letter to Colonel Gordon on the subject, dated 14th of April, 1805. This letter mentioned "the few men who were got under the levy, being but two hundred and nineteen in twelve months, the disgraceful conduct of the Noncommissioned officers, and the expence incurred by it. It therefore recommended the discontinuance of the levy, which was so burdensome and so unproductive." In this letter of General Whitelocke's was inclosed a letter from Colonel Robinson, the Inspector-General of the Recruiting Service, in London, who made a formal complaint against the whole of the temporary Sergeants of Colonel French's levy, whose conduct was in every respect so infamous and disgraceful, that he could not too strongly urge their being discharged, or at least sent out of the London district. In addition to a variety of crimes and irregularities, they were actively employed in crimping for other corps, and particularly for the Additional Force. The impositions transacted upon the public by them, were such as to call loudly for redress, and he thought the severest punishment which could be inflicted upon them

them was, that they should be deprived of their pay and emoluments as Serjeants. Although the remonstrances from Ireland, respecting the abominable transactions carried on there by this levy, did not succeed in getting it discontinued, yet, after this letter from General Whitelocke, inclosing so strong a complaint from the Inspector of Recruits in London, it became necessary to stop a levy which was evidently doing a great deal of mischief, but which got no men. In putting a stop, however, to this levy, very mild and gentle language was used by the Duke of York. Instead of expressing his strong displeasure at the way it was conducted, he only mentioned that it was not by any means so productive as might have been expected. Could any man on earth believe that this extraordinary mildness to a body who had so grossly misconducted themselves could be owing to any thing else, but that this body of men was supposed to be under the especial protection of the Duke's mistress? He would ask was there a man in the country, or at least was there a soldier who had served, that could suppose that such language was proper, when such shameful, such disgraceful transactions had come to the knowledge of the Commander in Chief? No, this levy ought to have been dismissed with that disgrace which their conduct deserved. Who would have supposed, that after the Commander in Chief had ordered the levy to be discontinued, those men would have continued to write to him again upon the subject? Nevertheless, in four or five days after, they did write, and propose other modifications of the letter of service, they seemed to think that they had a right to apply for any thing. This letter received a very mild answer from Colonel Gordon, merely informing them "that his Royal Highness could not give any farther encouragement to the prosecution of a levy which had turned out so unproductive to the service." Considering these documents, he could not have a doubt in his mind, but that the Duke of York gave encouragement to this levy, at a time that he knew it to be unproductive of any advantage to the country, and in the highest degree burthensome and oppressive. The levy, however, was patronised by his mistress, it put money into her pocket. Although it appeared, on a calculation, that for every guinea which Mrs. Clarke gained by it, the country lost eighty guineas. A more destructive system than this was certainly never permitted to exist. If, after the evidence which had been given on this part of the case, any Member of the House could say that the Duke of York was not convicted of being directly a party to this transaction, he could not conceive that there was any evidence upon earth which could convince such a person.

MAJOR TONYN'S CASE.

The Honourable Member next proceeded to the case of Major Tonym

“ Captain Sandon had stated the agreement to pay Mrs Clarke five hundred pounds on Captain Tonyn’s promotion to a Majority being Gazetted, and Donovan produced a memorandum of that sum having been lodged in the hands of a Banker. Captain Sandon stated that Captain Tonyn began to be out of humour on account of the delay, and to threaten to take back his money. He communicated his dissatisfaction to Mrs Clarke, who called him a shabby fellow, and that he had better wait. That he consented to wait for a week or two longer. Captain Sandon reported this to Mrs Clarke, and Major Tonyn was Gazetted on the Saturday or Tuesday following. Mrs Clarke’s evidence went to this, that she recommended Major Tonyn to the Commander-in-Chief, that he was promoted through her means, and that she received five hundred pounds on that account. In this she was corroborated by Sandon, who proved that the money was paid, and Major Tonyn promoted. Also that he had shewn to Major Tonyn, a note from the Duke of York, by which he was induced to wait. The Honourable Member then proceeded to read the written evidence on this point, consisting principally of letters from Mrs Clarke to Sandon. In one she stated, that she had mentioned Tonyn to the Duke, and that he was perfectly agreeable. In another, that the Duke told her, he was so busy with the reviews on the Coast, that Major Tonyn could not be made for a month. He actually was not made for upwards of three weeks, and the reviews of the Coast were going on at that time. In another, she tells Captain Sandon that neither General Tonyn nor his son have any influence with the Duke. That his Royal Highness had ordered the Major to be Gazetted, but that it was entirely owing to her *. The Duke also told her of other applications which were making at the same time, which she related, and which shewed, as the Honourable Gentleman argued, that she had daily communications on military subjects with the Commander-in-Chief. From another letter it appeared that there was some objection to Tonyn’s appointment. There was no doubt a regular official recommendation, but this was a circumstance, of which, at all times, Mrs Clarke was perfectly aware. She said she told the Commander-in-Chief she was to have a pecuniary consideration. Sandon states, that Tonyn was Gazetted on the Tuesday following, and it was hardly possible to figure that it was not through her means ”

There was not to his (Colonel Wardle’s) mind a more convincing proof than the few words contained in the note addressed to George Fairquhar, Esq. of the privity of the Duke of York to the whole transaction. It had been strongly urged that Mrs Clarke had forged this note, but, if this had been the case, she could never have thought of unnecessarily involving herself by directing to George Fairquhar a note to be shewn to Major Tonyn. He could know nothing of the name of George Fairquhar. It would have been more natural, when written for the express purpose of convincing Major Tonyn, that she had some power over the Duke of York, that the card should have been addressed to herself. The circumstance, however, of its being addressed to George Fairquhar, must convince

* Mrs Clarke.

any man that it was the Commander in Chief's own writing. It was to be observed, if Captain Sandon was, if not hostile to the present enquiry, at least not friendly to it, but Mrs. Clarke did not seem to have been at all cautious as to the entrusting this note to Captain Sandon, which she would assuredly not have done had it been a forgery. How then could she have induced the Commander in Chief to write such a note as this, but by the very statement, that his not doing so would occasion to her a loss of five hundred pounds, as without such a note she could not deter Major Tonyn from withdrawing, out of his bankers, the five hundred pounds which he had placed there, to be paid over to her, on being Gazetted. This was the five hundred pounds to which he had before alluded, as being paid over by Mrs. Clarke to Birkett, in part payment of a service of plate, the balance of which was settled by bills of his Royal Highness.

COLONEL SHAW'S CASE.

The next case was that of Colonel Shaw, in whose behalf an application had been made to Mrs. Clarke to procure him an appointment on the Staff.

"Mrs. Clarke's evidence went to this, that she did recommend Colonel Shaw to the Commander in Chief for this Staff appointment, and procured it for him. That the sum to be paid her was five hundred pounds, but that three hundred pounds only were paid; and that not having received the remaining two hundred pounds she complained to the Commander in Chief, who stated that he would put him on half-pay. Mr. Charles Shaw corroborated the fact as to the payment of the three hundred pounds, but denied that it had been made in consequence of the agreement alluded to by Mrs. Clarke. The written documents were, first, a recommendatory letter from Sir H. Burrard in favour of Major Shaw—the answer to which was—He must join his regiment. The 2d, a letter from Sir H. Burrard in favour of Major Shaw, stating, that he had found a Major of the 39th eager to go to Ceylon, but that he was himself preparing, as fast as he could, however distressing it was to him. The answer of Colonel Gordon was, that having twice mentioned his name and wishes to the Commander in Chief, he could not again venture to do it. In the next application all hope of exchange is given up, and an application is made for leave of absence on account of ill health. This is agreed to, but with a hint that if his health be bad, Major Shaw had better retire on half pay. The next application stated the great expense of going on foreign service, and the answer was, that he must join his regiment by the first conveyance. These all went to the fact, that even under the pressure of misfortune, he could neither get promotion nor exchange. The assistance of Sir Harry Burrard for either of those purposes was inadequate, his interest, and that of General Archer, were insufficient to accomplish either. The last application from Sir Harry Burrard asks neither promotion nor exchange. Then follows a letter, gratefully accepting for Major Shaw, the situation of Barrack Master General of the Cape of Good Hope, but without one word of half pay."

When it was considered that an officer who had such high military recommendations, had been applying for years without being able to obtain the slightest boon, but that as soon as he applied to Mrs Clarke, he got a much higher promotion than ever he expected, namely, a lucrative appointment joined to the rank of Lieutenant Colonel, could any man doubt that this was obtained through the influence of Mrs Clarke, on account of the pecuniary consideration offered to her? Or could any man doubt, but that the reason the Duke of York preferred her recommendation to that of Sir Harry Burrard and Colonel Clinton, was, that he knew she received money in consideration of the appointment. When the House was considering the possibility and probability of Mrs Clarke having gained this appointment, he begged they would bear in mind those parts of the letters of his Royal Highness, which related to General Clavering and Dr O'Meara, and which proved that the Duke did interfere for others at the recommendation of Mrs Clarke, not only in military appointments, but even in church preferments. In the case of Major Shaw, that officer never doubted, but that it was to Mrs Clarke he owed his promotion, and appeared to consider, that it was to her only that it was to be attributed that he had been put on the half-pay, at least, he considered that she was the only person who could have influence to get him restored to full pay. In his letter to Mrs Clarke, "he hoped she would pardon his intrusion, in consideration of the serious injury of which he had to complain. He stated, that his being reduced to half-pay, was quite contrary to the custom of the army, and instanced the cases of Lieutenant-Colonels Cary, Vesey, and Bindley, who had held similar employments to that which he had been appointed to. He believed he had been the only officer who had been so treated, and it would grieve him more to have the injury come from such hands, he hoped the period might arrive, that would shew, that he was not undeserving of her favour. Independent of the present mortification, he felt that his prospects in the active line of his profession were utterly blasted. He begged leave to offer to remit her three hundred pounds annually of his appointments; and he hoped that neither he nor his family would owe their misfortunes to so fair a hand."

On the other charges, the Honourable Gentleman said he should trouble the House very shortly.

CASE OF MR DOWLER

"This gentleman stated, that Mrs Clarke first suggested to him that she could procure him a situation in the Commissary Department, that he had never made any application to any other person for his appointment to the Commissariat, except Mrs Clarke. He stated, that he knew for certain that his father made no application on the subject. The circumstance of his application to Mrs Clarke is farther corroborated by the testimony of that witness, who states, that she applied to the Duke
" of

“ of York for the appointment, and that he informed her, that he had
 “ been obliged to speak to Mr Long for a Mr Manby, whom it was the
 “ wish of his Royal Highness the Prince of Wales, to serve It appears,
 “ however, from her testimony, that his Royal Highness did apply for
 “ Mr Dowler, and both Mr Long and Mr Sturges Bourne say, that
 “ though they can find no recommendation of Mr Dowler at this Office,
 “ yet that, in the routine of office, he must have been generally recom-
 “ mended Dowler says that he gave Mrs Clarke one thousand pounds for
 “ this appointment, and Mrs Clarke acknowledges having received it ”

But what convincingly proved, in his opinion, that Mrs Clarke must have had communication with the Duke of York on this subject, was her knowledge of the conversation that took place between his Royal Highness and Mr Long relative to the appointment, and which Mr Long acknowledges to have taken place, particularly with respect to Mr Manby From what other source was Mrs Clarke likely to derive this information, if not from the Duke of York, and on what occasion, if not that of applying for Mr Dowler ? But a great deal more passed also, it appears, in conversation respecting Mr Manby, such as his being recommended by the Prince of Wales, and the necessity of having him provided for, which circumstances all agree with the facts, and which it was impossible Mrs Clarke could have known, unless through his Royal Highness the Duke of York, which goes a very great way to corroborate her testimony of having applied for Mr Dowler On a comparison, therefore, of all the circumstances attending this case, the Honourable Member concluded that his Royal Highness must have been implicated in the transaction, and that no motive could be assigned for his acting so contrarily to other motives and interests, without supposing his knowledge of the pecuniary compliment to be received by Mrs Clarke, according to the evidence of that witness

CASE OF SAMUEL CARTER.

Mr Waidle recapitulated the evidence on this subject.

“ Mrs Clarke had stated that Samuel Carter had been in the service of
 “ Mr Sutton, that he had entered her service recommended by Captain
 “ Sutton, in which he continued till he received his commission, that he
 “ was known to the Duke, and in the habit of waiting on her and the Duke
 “ at table with the other servants ”

With this evidence of Mrs Clarke the testimony of other witnesses corresponded.

“ It had been farther stated also in evidence, that in December 1801,
 “ Samuel Carter had been recommended to the Duke of York's office
 “ by Captain Sutton, and on this recommendation it had been attempted
 “ to account for his receiving his commission.”

But it was to be observed, that he was not Gazetted till March 1804, and that on the face of the evidence it did not appear that any other application had been made for him during that period, or that the original application had been followed up by any subsequent attempt to accelerate the object which was usual in such cases. On the contrary, it appeared that no application of any kind had been made during that period, and it was to be believed that a Commission was to be gratuitously bestowed without any farther enquiry, at a distance of above two years and a half from the application, which had been received with no particular marks of encouragement, and which indeed, had appeared so hopeless, that the application had never been renewed. How could it be known at the Horse Guards that such a man was alive, or that he was not, after such a lapse of time, otherwise disposed of? Of these circumstances there was no way of knowing but through Gloucester Place, supposing that the necessary enquiries were really made at the Horse Guards, which, however, did not appear to have been the case. How then are we to account for this young man's having received his commission, but through Mrs Clarke? And how can we imagine it possible that the Duke of York should not have known the person on whom the commission was bestowed, and his situation at the establishment of Gloucester Place, since it was proved by a variety of evidence that he was in the habit of attending his Royal Highness at table, and known to him well by name? This probability must be still farther corroborated by his Royal Highness's own letters. When we see the familiarity with which he corresponds with Mrs Clarke on military and other subjects in the case Colonel Clavering and Dr O'Meara, it is hard to say where he would stop. They could attribute, therefore, the commission given to this young man to no other cause than the influence of Mrs Clarke.

MAJOR TURNER.

The next case he should allude to was that of Major Turner, of the 3d Dragoons. It was admitted in evidence by Colonel Gordon himself, that the proposal of selling out by that Officer had been rejected, in consequence of his Royal Highness having received a letter from a Mrs. Sinclair, a woman of very indifferent repute. The familiarity subsisting between this woman and his Royal Highness had been proved by Mr Greenwood, which was to be taken into their consideration in weighing the value of this singular interference. The Colonel of the regiment, a General of respectability, as well as the Lieutenant-Colonel, contradicted this letter, and gave testimony to the character and merits of Major Turner, which it might have been supposed should have satisfied the scruples of his Royal Highness, but this contradiction was not enough for the Commander-in-Chief, and farther inquiries were stated to be necessary. It had been said, that even an anonymous letter

letter in such a case as this would have been attended to, but he thought it necessary to remark, that this letter and an anonymous one were very different indeed. An anonymous letter might contain important information that required investigation, but a letter from such a woman as this, impeaching the character of an Officer of respectability and honour, contradicted in the most ample manner by the Commanding Officer of the regiment, and containing no information that his Royal Highness was entitled to act upon, ought not certainly to have been entertained for a moment. The farther enquiries, however, respecting this Officer are acknowledged to have done honour to his character, and he must maintain, that in the same degree they did honour to that Officer, they reflected ignominy and disgrace on the persons making the enquiries, and forming a party in this business, knowing, as they did, the person from whom their information came. As to the case of Robert Kennett, and his connection with the agents of the Duke of York, under the idea that that person would be able to lend to his Royal Highness a sum of money, it was a matter which, although in itself improper, upon which he should not dwell——“ I have now, said he, perhaps troubled the House too long. I have only to state, that I have put my sentiments into the form of an address to his Majesty, which I shall conclude with moving in this House—I thought it justice to this House—I thought it justice to the Duke of York—I thought it justice to myself, to state distinctly, and without disguises, my real sentiments on this important subject. I have endeavoured, Sir, to do so with all the delicacy which is due to His Majesty, both as the Sovereign of this country, and the Father of the Duke of York. I should be the last man in this country who would hurt the mind of an Illustrious Sovereign but on this occasion, I have no choice. I have to the best of my judgment, and to the utmost of my power, done my duty. The country will decide upon the conduct of the Commander in Chief—the Country will decide on the conduct of this House—the Country will decide upon my conduct—and to the decision of my Country I cheerfully submit. I now move, Sir,

“ That an humble Address be presented to his Majesty, humbly stating
 “ to his Majesty, that information has been communicated to this House,
 “ and evidence produced to support it, of various corrupt practices and
 “ other abuses having prevailed for some years past, in the disposal of
 “ Commissions and Promotions in his Majesty’s Land Forces—that his
 “ Majesty’s faithful Commons, according to the duty by which they are
 “ bound to his Majesty and to their Constituents, have carefully examined
 “ into the truth of sundry transactions which have been brought before
 “ them, in proof of such corrupt practices and abuses, and that it is with
 “ the utmost concern and astonishment his Majesty’s faithful Commons
 “ find

“ find themselves obliged, most humbly, to inform his Majesty, that the
 “ result of their diligent inquiries into the facts, by the examination of the
 “ persons concerned, together with other witnesses, and a variety of do-
 “ cuments, has been such as to satisfy his faithful Commons, that the ex-
 “ istence of such corrupt practices and abuses is substantially true

“ That his Majesty’s faithful Commons are restrained by motives of per-
 “ sonal respect and attachment to his Majesty, from entering into a detail
 “ of these transactions, being convinced that they could not be stated with-
 “ out exciting the most painful sensations of grief and indignation in the
 “ breast of his Majesty. That the proceedings of his Majesty’s faithful
 “ Commons upon this important subject have been public, and the evi-
 “ dence brought before them is recorded in the proceedings of Parliament;
 “ and that they trust his Majesty will give them credit, when they assure
 “ his Majesty, that in the execution of this painful duty they have pro-
 “ ceeded with all due deliberation: That without entering into any other
 “ of the many obvious consequences which may be expected to follow,
 “ from the belief once generally established, of the prevalence of such
 “ abuses in the Military Department, there is one great and essential con-
 “ sideration inseparable from the present subject, which they humbly beg
 “ leave, in a more particular manner, to submit to his Majesty’s gracious
 “ consideration, namely, that if an opinion should prevail amongst his
 “ Majesty’s Land Forces, that promotion may be obtained by other means
 “ than by merit and service—by means at once unjust to the Army and
 “ disgraceful to the authority placed over it, the effect of such an opinion,
 “ must necessarily be, to wound the feelings and abate the zeal of all ranks
 “ and descriptions of his Majesty’s Army

“ That it is the opinion of this House, that the abuses which they have
 “ thus most humbly represented to his Majesty, could not have prevailed
 “ to the extent in which they had been proved to exist, without the know-
 “ ledge of the Commander in Chief, and that even if, upon any principle
 “ of reason or probability, it could be presumed that abuses so various and
 “ so long continued could, in fact, have prevailed without his knowledge,
 “ such a presumption in his favour would not warrant the conclusion, that
 “ the command of the Army could, with safety, or ought, in prudence, to
 “ be continued in his hands.

“ That on these grounds and principles his Majesty’s faithful Commons
 “ most humbly submit their opinion to his Majesty’s gracious considera-
 “ tion,

“ tion, that his Royal Highness the Duke of York ought to be deprived of
 “ the Command of the Army ”

Lord FOLKSTONE seconded the motion, which being read from the Chair.

Mr. BURTON rose. Sensible, he said, of the great importance of the enquiry that had lately taken place in the Committee of the whole House, both as the question was closely connected with the best interests of the country, and with those of the illustrious and distinguished individual at the head of the army, he had thought it his duty, in its progress through the House, to bestow upon it his utmost attention. He conceived that he stood in a situation that peculiarly qualified him to give on this subject the most impartial judgment, at least that enabled him to view it in all its parts without prepossession or prejudice, being wholly unconnected with the Duke of York, having never received any favour from him himself, and having no friend or relative in the army that could create any expectations of favour in that quarter. Had he any prepossessions, indeed, they must rather be on the side of the accuser than of the accused. The Honourable Member who had introduced this enquiry, and who might therefore be considered as the accuser, he had known for these twenty years, and entertained the highest respect for his character. He had frequent occasions to admire his military talents, and particularly in Ireland, when he distinguished himself not a little in contributing to put down at the head of the gallant regiment in which he served, the dangerous commotions that prevailed not long since in that country. If, therefore, he could accuse himself of having any bias, it was not in favour of the person accused, while, like others, he had only listened too much to the opinion that was propagated out of doors.

He had determined, however, to preet this investigation with the greatest coolness, and as if sitting in the Court in which he had the honour to preside, in a case where the meanest subject was accused. For this purpose he had closely attended to the evidence laid before the House in the course of the enquiry before the Committee, and observed all the circumstances attending the several witnesses, as well as a person in his peculiar situation (being blind) could do. He had besides heard all the evidence read since it was delivered at the Bar and the more important parts of it more than once. This he believed, in a case encumbered like the present, to be the only way of arriving at the truth.

In contemplating the evidence, as it was now presented to them, it was necessary to put the sinful part of the question entirely out of view. However much he might lament that his Royal Highness should have had any connection with a woman of this character, he contended that it was neither a subject for their discussion nor decision, and it was their duty to take care, from the place they occupied, that while they considered the sin against the public, they did not blend with it any considerations from the sin that appeared
 of

in this case against God. They had only to do with the conduct of the Duke of York as it related to the laws of the country. Thank God, it was not their province to judge of the breach of marriage vows, nor to interfere in domestic duties. He was no advocate for wantonness of private character, or for depravity in private life, but it was not their province to judge on these grounds. The Report of the Committee was now before them, and they were not entitled to give an opinion on any other subject than those recommended to the attention of the Committee. The recommendation given to the Committee related only to promotions and exchanges in the army, he would therefore discard from the present discussion every other subject, and even though evidence should be alleged to bear on other abuses, these could not now come regularly before them, not being the professed object of enquiry recommended to the Committee.

He must also, he contended, to form a fair and candid judgment in this case, disencumber it of all the extraneous matter which, in other respects, had been adduced by evidence at the Bar, and, confining their attention to relevant evidence only, sweep away all such other evidence as would not be received in any Court of Justice in the kingdom. It might be said, perhaps, that to this extraneous matter and irrelevant evidence he might have objected at the time the evidence was in progress at the bar, but he contended they had no right, during the course of the evidence, to confine it to any particular limits or to any legal forms, the object then being merely enquiry, and of course to obtain as much information as possible. Now, however, that the House was in the exercise of its judicial functions, it was highly necessary that they should distinguish between the evidence that was and that which was not to be legally admitted. They had therefore two things to do, to define what evidence should be admitted, and to search out that evidence from the large mass of aggregate matter before them. The reason he did not interfere in the thousand questions which, on the ground of evidence, strictly legal, ought not to have been admitted, was for the purpose of discovering as much evidence as possible, to enable them to trace facts to their fountain head, and to ascertain such as might justly be received in any Court of Justice. This selection it was now the business of the House to make, and it should first be his object to set aside all hearsay and second-hand evidence.

Having done this, he should think it next his duty to disencumber the question also of such witnesses as would not be credited in any court whatever, and therefore must consider what witnesses are to be regarded in the light of accomplices, and what not. Of the list of witnesses produced at the Bar, consisting of seventy-eight, the greater part were to be considered as accomplices with Mrs. Clarke, the principal actress, at their head. One of the first laws on the admission of accomplices as evidence was, that their testimony must be corroborated not only by unimpeached wit-
nesses,

nesses, but also in the circumstances that attach crime to the person accused. On this subject his Learned Brethren would be more able than himself to inform them, but from the experience of twenty years he apprehended this to be the case. Good God! exclaimed the Learned and Honourable Member, were it otherwise, the lives and fortunes of the best and most upright men would be at the mercy, and in the power of the abandoned and most profligate. The crime must not only be proved to exist, it must also be brought home to the person accused. He had witnessed many instances where an accomplice could tell his story with every appearance of consistency, and he had seen it corroborated in every other circumstance but the very essential one of attaching the guilt to the particular person in question. But if it should further appear that the accomplice, thus circumstanced, should contradict himself, if others also should contradict him, his evidence certainly would not be admissible in any Court of Justice, and no judgment could be formed upon it. Such exactly was the case with the principal witnesses on this occasion. With respect to Captain Sandon, the House had given their most decided opinion in committing him to Newgate for gross perjury and misconduct. What faith, then, could be given to his testimony, who was a conspicuous accomplice, though he did not attempt to attach the guilt to the person accused? The evidence of Mrs. Favorey must be considered in the same light, when they recollected that she not only contradicted herself in a variety of circumstances, but was also contradicted by others who were unimpeachable in their character.

“ She stated upon her first examination, that Mr. Ellis, in whose service she had lived, was a carpenter, that he had no settled residence—that he took lodgings from place to place—that she believed him to be dead. She indeed could not name the street in which she lived with him, although she was in his service for two years and a half. She did not go into the country with his children. He was flying from one place to another in order to avoid his creditors.”

But how did this fact turn out, why that Mr. Ellis was a respectable clergyman, that he was master of the Merchant Taylor's School, that far from seeking to screen himself from his creditors, he had resided for several years in the same house, that Mrs. Favorey had gone to the country with his children, and that he had never gone to any other place from his usual residence but Brighton. The circumstance of Mrs. Clarke visiting Mrs. Favorey there, and the familiar manner in which they treated one another, according to the evidence of Mr. Ellis, is another strong circumstance against the credibility both of Mrs. Clarke and Mrs. Favorey not to mention the feigned name under which the latter entered that Gentleman's service.

It was unnecessary, indeed, to adduce more instances of the
same

same nature; he had made out a list of not less than fifteen circumstances, in which this woman had either contradicted herself or prevaricated, and which, of course, would render her evidence inadmissible in any Court of Justice. In any Court, he would firmly assert, that a Judge would think himself warranted in drawing his pen through such evidence.

With respect to the testimony of Mrs. Clarke, the same objection was not less obvious, nor her credibility less exceptionable. He had in his pocket a list of twenty-eight instances in which she had been convicted of falsehood, either by contradicting herself, or by being contradicted by persons of unimpeached credit, and who would set the world at defiance, rather than be guilty of any breach of truth. All these instances he could not pretend to enumerate from memory, but he could refer to them if requisite, and the result of his consideration of her testimony was a complete conviction that it deserved no credit. Upon her examination or cross-examination, nothing could be obtained that was likely to make against her. She had no knowledge of any such things or she could not recollect. Her memory was peculiarly accommodating. When interrogated, whether she had generally represented herself as single or married for particular purposes, she did not recollect that she ever did state that she was a widow, but once at a Court-Martial, and at another time for a joke, yet proof was afterwards offered directly contradicting her. It was proved, upon the evidence of Few, that she gained credit from him, describing herself as a widow, stating also that her husband had been but a short time dead. But if there were gentlemen indisposed to pay any attention to Few, would they not give credit to Nicholls, to whom she stated, that she had been a widow only three months. (Upon a cry of *hear, hear*, the learned Gentleman corrected himself, and stated three years.) Was it not known, in fact, that notwithstanding this woman's representation, that she had only twice said she was a widow, and that she went by no other name but Clarke, the reverse was the case, and particularly in the instance of Dowler, and any person so disposed to tifle with evidence as to reject the allegation of four witnesses upon this point? Did she not go by the name of Dowler at Hampstead? Nay, did it not appear that she described herself, although living separate, as actually married to that man? Did she not, in fact, assume different characters and capacities, but, above all, the name of her particular Dowler? There was no doubt, the Honourable Member added, that Dowler was the favourite, as appeared also from the evidence of Mr. Reid, who heard her called Mrs. Dowler, and answer to this name when so called, and who would have considered it as a disgrace to his House to have admitted them, if he had not been induced to believe that they were married. This circumstance was further corroborated by the evidence of the waiter, but if this was not enough the evidence of the porter would corroborate it still farther.

ther, who introduced her under the name of Mrs. Dowler, and who stated that she did not appear ashamed of it. Nay, farther, he had carried her wine to Bedford-place, addressed to Mrs. Dowler, as also to Westbourne-place addressed in the same manner. Had he a prisoner at the bar in the predicament the accused was in this case, he should feel it his duty to impress it on the Jury, before coming to any verdict, to lay such evidence as that given by Mrs. Clarke entirely out of sight, every principle of equity or justice.

Having thus stripped the question of its extraneous matter, and having thrown out the exceptionable evidence, he proceeded next to the consideration of the facts as they bore upon the person accused; and in this view of the subject the evidence would be confined within a very narrow compass. It was not his intention to go into the minutiae, that he should leave to other Gentlemen of better memories, and better qualified than he was, from possessing that blessing of which he was deprived, but he should entirely rely on this case, in which it was attempted to connect the facts alledged with his Royal Highness the Duke of York.

The exchange of Lieutenant Colonel Knight with Lieutenant Colonel Brooke appeared, from Colonel Gordon's evidence, to have been perfectly regular. The Duke of York, when the first application was made to him, said it could not be acceded to. Enquiry was immediately made respecting the character of Colonel Brooke, and it was found satisfactory, and the exchange was approved of. It appeared that Mrs. Clarke had received two hundred pounds on account of that promotion, but not the least shadow of probable evidence had been adduced to shew that the Duke was privy to it. Mrs. Clarke said that the note was changed with his knowledge, when she was going to the country; but had she in any manner brought a knowledge of it home to him. Mrs. Favery who was to have proved it, failed in her testimony. She received a note, which she gave to be changed. She had it changed, and returned the change, and that was all she knew about it. Could any one say that a knowledge of any corrupt agreement had thereby been brought home to the Duke of York? And further, it was denied by Ludowick, who she had pretended procured the change.

The next witness was Mr. Pierson, who on his first examination denied all knowledge of having changed any note for Mrs. Clarke, under the circumstances which had been mentioned. On his second examination, however, he admitted his having got a note changed by the confidante for Mrs. Clarke, and having returned her the change, in presence of the Duke, and attributed his want of recollection upon the subject, on his first ex-

amination, to a violent head-ach, to which he said he was frequently liable, and which sometimes deprived him of his recollection

But what did that prove? Could it be thence inferred that that was the identical note Mrs Clarke received from Mr. Knight, and that the Duke was privy to her having received it as a compliment for her interference with him in favour of Col Knight? Was it strange to hear of that Lady sending any other note to be changed than the one in question, when Gentlemen would recollect the number of notes which had at different times been given her by the Duke? Was it not in evidence that Lodowick had repeatedly taken her notes from the banker, and what reason appeared to justify the conclusion that the note exchanged by Pearson was not one of those notes, and not the fruit of a corrupt bargain with Mr Knight? No admission had been made to Pearson, either by the Duke or Mrs. Clarke that it was the note. It was not at all particularised, not a single word, or even a significant nod, passed between the parties upon the occasion. The evidence upon the whole, in his opinion, did not countenance the idea that the note in question had been got with the privy of the Duke, or changed by his desire.

The next part of the story was the appointment itself, and he wished to call the attention of the House particularly to the circumstances under which it took place. Mr. Wardle himself had said that Mrs. Clarke stated the application of Dr Thynne to her to have been made on the 25th of July, but the official documents which had been produced from the War Office manifested that an application on that day could have no influence upon the appointment, for by these papers it appeared that the Duke of York had determined upon it on the 22d, two days before the application to Mrs Clarke, and on the 24th it had been transmitted to Weymouth for his Majesty's approbation, when it was impossible for the Commander in Chief to make opposition to its taking place, or accelerating it more than other appointments which were sent for approbation at the same time. These facts rested upon the evidence of Colonel Gordon, who had been examined at their bar, who had no interest in what he had said, and whose testimony was given in a manner which excited the admiration of the House. Mr Knight had also positively said that Mrs. Clarke required the transaction should be kept a profound secret from the Duke of York, and if the Duke was privy to the transaction, where was the occasion for keeping it a secret from him? Mr. Knight was asked particularly whether she had not desired him to keep it a secret from the public? to which he answered, that the public had never been

been mentioned, but that Mrs. Clarke had told him that if the transaction should ever come to the Duke's ears, it would prove fatal to her.

The next ground of accusation was the case of Captain Maling, who had got three different commissions in a shorter time than other officers had, who had been longer in the service. In that charge no corruption had been asserted to have taken place, it was only said, that undue favour had been conferred upon him. The charge originally was, that he had been appointed an Ensign, promoted to a Lieutenancy, and made Captain without having evinced any military merit or been employed in any particular service, and that when the Honourable Gentleman was making his oration against the Commander in Chief, he was employed at the desk of Mr. Greenwood. He (Mr. Burton) would ask the House, whether the appointments, after the evidence had been gone through, appeared to have been improperly bestowed? General Fraser, an officer of no insignificant note, had twice applied to have him for his aid-de-camp, and that circumstance he believed to imply some degree of merit, and which would entitle him to promotion. Col Wardle had said, as a matter of serious accusation against the Duke of York, that Captain Maling had been preferred to officers who were his superiors in rank and services; but he would ask, whether that House was capable of deciding upon the merit of a particular officer, and whether the management of military affairs did not rest entirely with the Sovereign? No one popular advocate had ever yet maintained that military promotions should be disposed of according to the will of the House of Commons, or that the House should interfere in such disposition. Or the contrary indeed, he recollected to have heard the great Lord Chatham say, that to deprive the Sovereign of the privilege of military promotion would be to pluck the master-feather from the eagle's wing.

The next charge was that founded upon the terms of Colonel French's levy, which it was pretended that the Duke had consented to have raised through the mere solicitation of Mrs. Clarke. But he would ask, whether the evidence before the House had proved any such thing? By that it appeared, that that was not the first time when Colonel French had raised a levy, but that he had been employed in the line a long time before, much to his own credit, and the advantage of the country; and that therefore, he was the most likely person to complete the levy. Such being the case, then, there was no necessity for concluding that Mrs. Clarke must have been the cause of his being so employed, or that the Duke was privy to any agreement which had been entered into between her and Colonel

French. As the evidence of Sandon was of course deserving of no attention, and as the allegation of Mrs. Clarke was in his opinion of no weight, unless corroborated, there was in this case only one material witness to consider, namely, that of Miss Taylor. But who, he would ask, was this Miss Taylor, and what were the grounds upon which her claim to credit rested. She was the associate, the intimate friend of Mrs. Clarke, and yet, if she is to be credited, this affair of French's levy was the solitary instance in which the subject of military promotions was touched upon in her presence. If this witness were to be credited, she was admitted to dine with the Duke of York; nay, his Royal Highness was so fond of her, that she was quite familiar and frequently present at conversations between his Royal Highness and Mrs. Clarke. Yet this about French's levy was the only instance in which any allusion was made to military promotions. Let this rest upon the mind of the House. But what was the nature of this allusion? Why the Duke of York, as Miss Taylor said, addressed Mrs. Clarke in something to this effect—"French is very teasing to me—how does he behave to you, darling?" To which she answered, "middling—not very well." Upon which rejoined the Duke, "Let Master French take care, or I'll cut him up and his levy too." Now was it probable, that any thing like this would have been said if there had been any corrupt bargain, and that too in the presence of a girl who had never heard the subject of Military Promotions touched upon before? The Duke's complaint of French's levy, implied no connivance upon his Royal Highness's part at any corrupt transactions of Mrs. Clarke's. It might rather be conceived to mean an appeal to the opinion of that woman, whether French was not generally a teasing or troublesome character. Certainly the meaning imputed was not to be inferred upon any principle of liberality or justice. It was stated by Mrs. Clarke, that she was to receive two thousand pounds from Colonel French—and some of that money was said to have been paid by Sandon. She was to receive more as the levy went on. Now considering probabilities, and comparing Mrs. Clarke's contingent interest in the continuance of the levy with Mr. Grant's testimony, could it be credited that if there was a corrupt contract in which the Duke of York was to participate, or had connived, Colonel French's levy would have been put an end to, so very soon too after Miss Taylor had heard the alleged menace? By putting an end to the levy, did he not cut off all hopes of profit that might arise from it? He not only did this, but he completely ruined the man who was employed in raising the levy. Would any man of common sense be so absurd, so rash, so inconsiderate, as to put himself so in the power of

of a ruined and irritated man. The very fact of the continuance of the levy was sufficient to prove that the Duke never could have been privy to any corrupt bargain between Mrs. Clarke and Colonel French. If he had, he durst not have put an end to it. Exposure and disgrace would have been the inevitable consequence. But it was said, and with some speciousness, not that he put an end to the levy, but that he continued it, notwithstanding the complaints of Colonel Taylor and the Inspecting Officer of the London district, longer than he ought, and that the leave for a trial of two months additional was obtained through the influence of Mrs. Clarke. It would be in the recollection of the House that this levy was for general service, and that it was granted at a time when there was a great demand for recruits, particularly in the East Indies, whither only men recruited for general service could be sent, that it was granted at a time when recruiting for general service was subject to great disadvantages, in consequence of the damp thrown upon it by two measures, the Army of Reserve and the Additional Force Acts. Nothing therefore was more fair and reasonable, as well as prudent, on the part of the Commander in Chief, than to allow this Officer, who had been so successful on a former occasion, a further trial for a short and limited period. Was there any thing wrong in allowing him two short months?

The next charge against the Duke of York, was his granting a Majority to Captain Tonyn, because that Gentleman had paid a sum of money to Mrs. Clarke. It had been said, that Captain Tonyn could not have obtained his Majority without Mrs. Clarke's interference, but he would appeal to any man whether that could have been the fact. Captain Tonyn had been recommended for promotion long before it took place, by his father, General Tonyn, who was an old and meritorious Officer, and recommendations from men of his rank and character were always attended to. It also appeared that Captain Tonyn's promotion was perfectly regular, because it was not the act of the Duke of York himself, but of Colonel Gordon, who in the regular routine of business, took him from the list of Senior Captains, as one of fifty-three who were ordered for promotion. Nothing like partiality had been shewn him, as thirteen of those fifty-three were junior to him, some one year, some two, and one of them had been three years younger than he on the list of Captains.

With respect to the mysterious note, doubts had been had upon its authenticity,* and he could of his own knowledge say,

* Hear ! Hear !

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that

that if the life or liberty of any person depended upon it, no Judge or Jury in the country would admit it. For argument's sake however, he should suppose it genuine, and what was the amount of it? "Tonyn's business shall remain as it is, God bless you." Could any thing be traced from this to shew that the Duke had acted from corrupt motives? Had he so far committed himself, was it possible that it could have escaped the recollection of Mrs. Clarke, who had taken so much pains, to adduce every circumstance that could be construed to bear upon the Duke? Had the whole Note been produced, it might very likely be found to apply to something else, which in itself was perfectly innocent and legal. But there was another circumstance coming out of this nest of false witnesses, which shews it could not have related to the corrupt transaction to which it is endeavoured to apply it. The note was wrapped up in a cover from Dover. What did Sandon say? Not that he so wrapped it up, but that he received the two, the note and the cover, from Mrs. Clarke, to shew Tonyn; to convince him by the frank on the latter, that they were both in the hand of the Commander in Chief. Let the House examine the date on the envelope. They would find that it bears date five days after the promotion of Tonyn was gazetted, not five days after his appointment or recommendation, but after he was actually gazetted. This was sufficient to shew that this note could not have been written by the Duke, or that it could not have been written on the occasion mentioned.

The next charge was founded on Major Shaw's appointment. It appeared that that Gentleman had originally applied for one kind of promotion, but that he could not procure it, and that he afterwards obtained another. The army would not feel much surprise to know of the circumstance, either when it was considered that scarcely a month elapsed without General Burrard writing some letters to Colonel Gordon in Mr. Shaw's behalf. Such being the case, it would not appear necessary to apply through Mrs. Clarke for the appointment of Barrack-Master-General of the Cape of Good Hope. The complaint was not against the appointment, but because that officer was improperly put upon the half pay, when they supposed him to have been entitled to remain upon the full establishment. But it ought to be recollected that he was perfectly aware of the terms on which he went out, which was confirmed by the letters of Gen. Burrard and the testimony of Capt. Sandon. That Major Shaw had not been imposed upon no one would deny, but to say that he had been reduced through
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the means of Mrs. Clarke was ridiculous, as it was in evidence that he could not remain as Barrack Master, excepting his regiment should be there stationed, so that he could do both duties at the same time. As to the other agreement, whereby Mr. Shaw was to allow Mrs. Clarke three hundred pounds a year, no man could have been a greater stranger to it than the Commander in Chief.

Upon the only remaining part of the matter, properly subject to the consideration of the House, as the Learned Gentleman conceived, namely, that of Carter, he expressed a wish that the honourable Mover had yielded to the voice of liberality, to the declared request of Mrs. Clarke herself, by omitting any allusion to such a case—by not attempting to bolster up a falling cause, by the introduction of a case which any one possessed of the common feelings of humanity should decline to mention. It appeared that this young man, Carter, was an orphan, and not one of the common class, but the orphan of a meritorious officer, who had bled in the service of his country. (*A cry of No! no!—no evidence of that*) The fact was that no corruption was at all ascribable to the case of this lad. Did it not appear that he was recommended in 1801 by Captain Sutton, of the artillery, and that he was not brought up after the manner of a servant? His letters, indeed, manifested a superior degree of education. Let it be recollected that he was recommended and promised promotion in 1801. As to his connection with the family of Mrs. Clarke—as to his assisting other servants cleaning knives, or his going behind the coach only twice as the coachman stated, and whether by night or by day, was not mentioned; the Duke of York was not proved to know anything of that. The principal employment of Carter was to go to school, and was that the usual occupation of a servant;—was it proved that the Duke knew any thing of Carter's acting at all as a servant, except in waiting upon himself at dinner? (*A loud cry of hear! hear!*) Were gentlemen who cried hear hear, he would ask, 'so ignorant of the world as not to know that many of their superiors waited at table on Princes of the Blood Royal? He would ask also, why servants, with the education of Samuel Carter, were unworthy of military promotion? Were gentlemen so unacquainted with the army as not to know that many persons originally inferior in rank to servants, now held commissions, and formed some of the highest and most respected ornaments of the military profession? Why then reflect upon such a young man as Samuel Carter? God forbid that the House should be so forgetful of the duty which it owed to humanity and to its own character as to find fault with the Duke

Duke of York for such a promotion as actually entitled him to praise

He would endeavour to detain the House as little longer as possible, and would therefore content himself with a few observations on the comments which had been made on the evidence by the Hon Gentleman. It had been argued that though no *scintilla* of evidence had been given that the Duke of York was privy to or cognizant of those transactions, yet it must be presumed he could not but know that Mrs Clarke could not keep up such an establishment, and live in the extravagant manner she did, without some fund being provided from which it should be supported. He thought, however, this was a delusive and fallacious mode of argument, for there were, he believed, very few persons of fashion and large fortune who fairly understood how to conduct themselves upon the principles of revenue and expenditure. It was a criterion of conduct which he believed was but little understood and still less acted on by persons in high life. He happened to have been acquainted about forty years ago with those who were the Preceptors of the Prince of Wales and Duke of York, and they allowed they were both very quick at learning in general, but that they found it utterly impracticable to teach them any thing respecting the value of money. Though they comprehended the most difficult parts of education, they had no idea of the value of a guinea. It had been proved, or admitted to be proved, that the Duke of York had paid large sums to vintners for wines, and to other tradesmen for various articles of furniture, &c. amounting in the whole to upwards of five thousand pounds in about two years; and in so short a time could it be supposed that his Royal Highness was likely to have entered into the cool and deliberate calculations of a man who sits down to make comparison between his revenue and expenditure? It appeared, that during the period he was then alluding to, both the Duke and Mrs Clarke had often been in great want of money. He was pressed severely, and she in her turn very warmly pressed him. If his Royal Highness was so very corrupt as had been stated, and these transactions had actually taken place, where could have been the want of money? Was there not a mill of money from which they might most abundantly have supplied themselves? The Members of that House might well know, that the officers of the army amount to upwards of eleven thousand, who are all eager and zealous of promotion, and great numbers of whom had not only the means, but the anxious wish and design, to obtain promotion and superior rank in their profession, and who would give any money within their power to gratify their ambition. Had these transactions then taken place,

place, money could not have been wanting either to Mrs. Clarke or the Duke of York, and in his opinion there could not be a stronger proof that the whole was a matter of imagination, and could have no foundation in fact. The Learned Gentleman then desired the House to call to mind the conduct of the Duke of York, when the person was appointed to inquire into the pecuniary transactions in which Mrs. Clarke was implicated, as having used his name, and he asked, if the Duke was corrupt, and had given way to his inclination, would he have ventured at that moment to quarrel with that lady? He paid a great compliment to the knowledge and character of Mr. Lowten, who was the person so employed, and insisted that he was above all idea of overlooking any corrupt agreement, if any such ever existed.

Another presumption in favour of his Royal Highness was that when a person set off with an intent to enter into corrupt practices, he generally looked about for persons as agents who, being corrupt themselves, would easily enter into all his views. Look then to those who were employed on that occasion by the Duke of York; look to Colonel Loraine; to General Brownrigge; but, above all, look to that friend on whom he reposed his bosom confidence; an officer, whose character, honour, and integrity, were an honour to human nature—Colonel Gordon. This was the man on whom he placed his greatest trust, whom he chose to be the director of his councils, and manager of his most important military concerns, at the very time when his connection first commenced with Mrs. Clarke. and when, if the charges were true, they would stand no need of every sort of assistance, to screen their corrupt transactions from every eye. He chose Colonel Gordon to fill that particular office, through which every matter of military promotion must pass, and without whose perusal no transaction could be brought to its final close. Under all these circumstances, he had fully weighed the case, and the conclusion he had formed, on the most mature and deliberate consideration, was, that there was no foundation whatever for any one of the charges.

It might, perhaps, be imputed to him, that from the situation which he held, he was under some degree of bias to the Minister. He believed, however, there were not many persons in the House who had so little to hope or so little to fear on this side the grave as he had, and he could safely say, that he had pronounced the real sentiments of his heart without favour or affection to either side. There was one thing he had forgot to mention, viz. that the motion did not state that corrupt practices had been proved against the Duke of York. It was in his opinion the duty of that House not to vote the carrying

rying up of any Address to the Throne for the removal of his Royal Highness from the office of Commander in Chief, without proving satisfactorily, that he had been a party to these transactions. He thought, therefore, it was, in point of humanity as well as justice, a duty incumbent on the House, to proceed immediately to the Inquiry, whether the Duke had any participation in the guilt of these transactions. Thinking in this manner, he must, of course, object to the motion.

Mr CURWEN moved, that the question might be read, which being done, he said it appeared, that it was suggested the Duke of York was privy to the transactions. He then proceeded to observe, that the Hon and Learned Gentleman who had just sat down, had thought it necessary, both at the beginning and conclusion of his argument, to make professions of the purity of his motives. For his own part he disdained to make any such professions, he would leave it to his own conduct to speak to the character of his principles, it was the less ambiguous text, and he would never be disposed to substitute vague profession in its place. He therefore did not understand why the Honourable Gentleman who had just sat down, had thought it necessary to make them, or why he suspected that he might be the subject of such imputations. In every view of the present question its importance was transcendant; never, within those walls had so important a question been discussed. It therefore became the House to look well to what the country expected from them—the eyes of England were upon them, and every man, as he valued England, should make up his mind, however painful and delicate the task, to discharge his duty to the people firmly and conscientiously.—He set out with insisting that it was not necessary to prove the actual participation of the Duke of York in the corruption. If there had been evidence produced proving that great and shameful practices of corruption had prevailed in that department for many years back, he contended for it that, even admitting his innocence as to the knowledge of such practices, still his very ignorance of them was more than sufficient proof that he was an unfit person to fill the high and responsible situation he now holds. (*Hear ! hear !*) But is it for a moment denied that the existence of those abuses have been satisfactorily proved? There was no doubt left in the mind of any man as to that point, and what then was the strongest defence set up for him? That though such transactions might have taken place, he was ignorant of them, so that his defence admitted his incapacity, for surely it was his duty to have detected those abuses, to have extirpated them from the army. He would say then, that the defence resorted to, proved that the Duke of York (even admitting his innocence

cence on the score of corruption) was so remiss in the discharge of his duty, that in justice to the army, in justice to the public, he ought to be dismissed from it.

But the Learned Gentleman who spoke last had said a good deal upon the nature of that evidence coming from an accomplice; why, no doubt it was not so unquestionable as that of witnesses not implicated, but where, he would ask, were they to find witnesses, or how come at the proof of corruption but from accomplices? how, but from those who were themselves engaged in corrupt practices? But, was there nothing corroborating that sort of evidence? He did confess he was astonished at the very partial and circumscribed view the Honourable Gentleman had taken of the evidence. When the charges were first brought before them he did believe that there was not a man in that House who did not wish from his soul that they would not be proved. (*hear!*) But now, after the evidence had been gone through, how few were there present who could from their conscience say, with the Learned and Honourable Gentleman, that in that evidence there were not grounds for those charges. (*hear! hear!*) The Honourable and Learned Gentleman had in the course of his speech paid a compliment to the candour and fairness with which the Honourable Gentleman who brought forward the charges had throughout the whole business conducted himself. He thought no compliment was ever better merited than that which the Learned Gentleman had so justly bestowed; and he was sure that not only that House but the whole country would allow he had undertaken a most arduous task, which he had executed with the greatest coolness, candour, and ability, in which he had done himself the highest honour.

The first case was Colonel French's Levy. Here he would ask but one question—Why, after Colonel Taylor's report, was Colonel French permitted to continue? Why not dismissed? Why so totally overlooked? Two hundred men in nine months! Could his Royal Highness have been deceived upon this point? Was it all a mistake on his part, owing to a deficiency of education, to his not having been taught to count, as the Learned Gent. seemed so gravely to deplore? But taking the question in another point of view, for hitherto he supposed the Duke innocent of corruption, and argued that his avowed remissness was such as imperiously called for his dismissal—but in the other view of the question—whether or not the Duke gave his sanction to corrupt practice, this was a part of the case on which the House was called upon for its most solemn judgment. Look then to Major Tonym's case; the letter that had excited so much interest had been denominated by the Honourable Gentleman a mysterious letter. Could that Ho-
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nourable Gentleman have seen that letter he would not have applied to it such an epithet. He never saw a paper more destitute of mystery. The evidence to the authenticity of that letter was in the recollection of the House. They saw Colonel Gordon when it was handed to him—they could not but have been affected with his emotions, and have felt for his situation. The answers, which, as a man of honour he felt himself bound to give, were given in a manner as if they drew drops of blood from his heart. The House too would remember how Colonel Gordon's evidence was borne out by that of General Hope, given with a candour truly characteristic of that gallant officer; and how both were confirmed by the subsequent testimony of the Learned and Honourable Gentleman who followed them. There was too a circumstance which did not appear to him immaterial:—the paper on which this note was written was *office paper*, a commodity not likely to occur to any one who would forge such a note. In short, he did believe in his conscience that that note was in the genuine hand writing of the Duke of York; that it was his letter; that that letter was written for the sole purpose of preventing the money being returned. Here then was one instance that went to prove the Duke's sanctioning corrupt practices; and if the House believed that, or any single instance of such conduct, could they hesitate in agreeing to the Resolutions?

Was a man capable of countenancing or conniving at corruption, fit at any time to hold any, the humblest post under the Government; but at such times as the present, was the second subject of the realm to be allowed to fill the most important office under the Crown, after he had given, with impunity, such an example to the people of England?—It would be a vain, a dangerous attempt to try to narrow their great judicial inquiry within the petty limits of legal nicety—were they to be driven from the grand object of national investigation—to detect, trace, follow up, and hunt out corruption, appear where and when, and how it may, however qualified, however disguised, or however sanctioned—this was their object—this was what their constituents would expect, and had a right to expect from them—they were not to be driven from it to search for legal distinctions, or lose themselves in desultory discussions upon forms. It was not an Old Bailey case—*(Hear!)* They, as representatives of the People, were not to be deterred from condemning what was criminal, by being told that they were travelling out of the record—where there was criminality, where there was corruption, he would not stop to examine the intricacies of the laws of evidence, or to square opinion with opinion, or charge with proof, but
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expose it at once, without waiting to ascertain from Learned Gentlemen whether it lay within the record or not.

He would therefore open his ears to every charge of corruption, and he could not here sufficiently express his astonishment that the Learned Gentleman who had preceded him, long, and no doubt ably as he had gone into the charges, should have wholly overlooked the evidence of General Clavering and his letters—(*Hear! hear!*) Did those letters tend to prove no long and habitual intercourse upon the subject of the corrupt bartering of promotion, and as to this point did Miss Taylor's testimony wholly go for nothing? The Honourable and Learned Gentleman had, at great length, gone into an exposure of the gross prevarications of Captain Sandon, perhaps the House thought that unnecessary; but what must they have thought, or at least, how much must they have been at a loss to discover the object of the Honourable Gentleman, when after having resorted to every means to shew, and succeeded in shewing, which, certainly was not very difficult to do; then proceeds to argue from that evidence which he had just overturned.

The next case he should advert to, was that of Colonel Shaw. Was there, or was there not, a corrupt motive operating somewhere, as to the appointment of this Officer, the many prior refusals and subsequent sudden reduction to half pay? But why was he reduced? The influence which had raised him deserted him as soon as he failed to make good his bargain; the fact evidently was that they had not kept their word, they had not made good their contract, and he was reduced accordingly, so that this rather tended to confirm the very charge it was supposed by some to do away.

Upon the article of expenditure a great deal had been said. He had heard the Duke defended on the score of that disposition to generosity, that was to be considered as rather an amiable weakness. He must be glad to hear any thing commendatory of the royal disposition of the Illustrious Person, but were there not some stubborn facts as to the pawning of jewels? were there not diamonds in pawn? and was it in consequence of this amiable weakness that they had been pawned? But he put it to any one man who heard him, would he in the case of such a connection have suffered that person to have encountered expences so far beyond her means without providing some sort of re-imbursement? The Learned Gentleman had told them of the means to which the Duke, if corrupt might have resorted. The Honourable Gentleman had compared it to a mill that could grind an inexhaustible supply. Why, perhaps, such a source of

corruption might be so illustrated; but then it would be more just to call it a wind-mill—it would not go at all times, nor, perhaps, could it be safe to set it a going at all times (*a laugh*). He, however, agreed with the Honourable Gentleman, that there was ample power, and he feared too much opportunity, to abuse, and grossly abuse, the high trust dedicated to his Royal Highness; and therefore was he of opinion, that it was impossible for that House to be too cautious, or look with too jealous an eye to the manner in which the great means and duties connected with that high office are disposed and administered. When the charges were brought forward he felt deep regret; but he felt much more in seeing how those charges had been supported, how fully they had been established. It was, indeed, a most painful reflection, that such charges could have been brought home to such a personage. He strongly felt for him. His situation must be infinitely more afflicting to him than the severest penalty of the law could be to an ordinary offender. The loss of life cannot to him be for a moment comparable to the loss of character. He lamented it—he deplored the conduct that led to it.

Every man, he was sure, must feel for the situation in which His Majesty was placed by this business; but as duty was the motive by which they were to be guided, they must see that its dictates excluded the operation of such considerations. It had been said, there were conspiracies of Jacobins. He believed there were no Jacobins; but where it was evident that abuses and corruptions existed to a very great degree, no wonder the people of the country should be dissatisfied. They were obliged to submit to great privations; yet he believed if such moderate reforms were agreed to be made as to give them hopes that the affairs of the country would be properly administered in future, the country would be quiet and contented. The Hon. and Learned Gentleman had spoken with great feeling on the situation of Samuel Carter, as being recommended by a meritorious officer. He thought, however, the case of Carter was one of those which tended materially to disgust the army, and to weaken the zeal and spirit of all ranks in that profession. These were not times, to shut our eyes against corruption—its effects were most highly injurious, and it behoved us to meet them boldly and endeavour to overthrow them. He, for one, was convinced of the necessity of this, and should therefore give his cordial assent to the Motion which had just been made by the Hon. Gentleman.

The CHANCELLOR of the EXCHEQUER stated that he should unquestionably have submitted to the House his
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opinion on the present question immediately after the speech of the Hon. Mover, had not his Hon. and Learned Friend behind him addressed the House under circumstances which must have induced any man to waive any intention of that kind which he might have entertained. The situation, the character, the experience, the years, every thing which, in himself was wanting, and which his Honourable and Learned Friend possessed, demanded that he should give way to him on this occasion. Most fortunate was it for the House that he had done so, for certainly, his Hon. and Learned Friend had delivered one of the most able, impressive, and important speeches that ever fell from the lips of man.

Although he had been in many points completely anticipated by his Hon. and Learned Friend, he yet felt that it would be his duty to trouble the House at considerable length in the examination and comparison of the evidence that had been adduced before them. He was anxious, therefore, not to waste much of their time in preliminary observation; but he could not refrain from requesting that they would take a retrospective view of the occurrences of the few last weeks; and that they would consider the manner in which the subject at present under discussion was originally proposed. It must be in the recollection of the House, that when the Hon. Gentleman first agitated this question, it was distinctly on the ground that his Royal Highness the Duke of York had been guilty, not merely of incorrectness, or of any minor error, but of corrupt practices. On the ground that the Duke of York had been guilty of corrupt practices the present inquiry was adopted. That charge having been made, it became the imperative duty of the house to pronounce its judgment—aye, or no—guilty, or not guilty. It was a charge, which, if proved, must condemn the accused individual to disgrace and infamy. In justice to that individual, in justice to the public, it became that Parliament, by whom that charge was entertained, effectually to dispose of it, and not to fight shy on such an important question.

But what was the course which the Hon. Gentleman prescribed? Having made a charge of corruption, having accused his Royal Highness of a knowledge of corrupt practices, he did not manfully persist in his accusation. Instead of calling upon the House for judgement upon that charge of corruption, he hides it in a general address, where he calls upon the House to say in a lump, that the charges are substantially true. But he on the other hand, would call for the decision of the House upon this great and most important charge of corruption, and he would ask, Where was it brought home? where was the *corpus delicti*? or if the illustrious person was not

guilty of corruption, was that the way in which he was to be got off after serving the public for sixteen years in a way that raised the character of the army? was he upon such a charge as that to be sent out upon the country in a doubtful manner? was it to be left in doubt by the House of Commons, who gravely entertained the charge, whether it had been proved or not, or whether a personage so near the throne was or was not guilty of the basest of crimes? For there was no term of degradation he thought sufficiently strong to convey his abhorrence of the nature and consequences of corruption—not all the infamy that had lately disgraced the bar of the House of Commons, amounted to the shameless and abandoned criminality of corruption. And were they to turn forth upon the public the second son of their King with a doubt upon him, in case he was innocent; or were they to be content with such half measures, if they thought him guilty? He put it to the House, he put it to the honour, to the justice, to the feeling, to the humanity of every man who heard him, if such a charge should be allowed to sleep in uncertainty; they could not, for their own dignity take such timid courses as had been suggested; they would disgrace the House of Commons; and however industriously it might be shaped and softened down, and qualified, for the poor purpose of picking up a straggling vote or two, yet he was confident the House would not hastily consent to do any thing that could tend to defeat the purposes of justice, or compromise its dignity; not that he would be meant as imputing it to the Honourable Gentleman (Mr. Wardle), but he thought that had he been left to himself he would have made a different appeal to the judgment of the House—from what he had observed of that Gentleman's manly feeling and ingenuous frankness, he would have adopted a proceeding that would have led more immediately to decision than the one now before the House can be supposed calculated to do. He certainly did think that the Hon. Gentleman had not been self-advised—that he had been influenced by others—that he had mixed himself with cooler heads, who meant much more than he thought they meant—(*A laugh from the opposition*). He (the Chancellor of the Exchequer) was satisfied that had that Gentleman been self-influenced he would not after bringing forth charges of corruption have suffered those charges to be afterwards flattered away as they had been, in the Resolutions which had been moved.

With respect to the course that he should have the honour to recommend, it would commence with coming to a decision—aye or no—on the personal corruption or connivance (for he allowed they were the same thing) of his Royal Highness; and if the House agreed with him, he should then tender an amend-

amendment to the proposition of the honourable Gentlemen, by which that proposition would be converted into a resolution, that the House saw no ground of charge against his Royal Highness for corruption, or connivance in corruption. This was an opinion which he had formed on a deliberate examination of the circumstances; and he would distinctly state to the House the grounds of his conviction. He allowed, that he had not come unprejudiced to this inquiry. In any age or country, the personal corruption of individuals holding situations of high trust and confidence, ought not easily to be credited. Surely it was not dealing fairly with such individuals, to condemn them upon grounds on which the lowest and meanest of the people would be acquitted. It would be a most mischievous encouragement to Jacobinism, were we to declare, that these were grounds for condemning such individuals, because we saw apparent ground multiplying in the pamphlets around us. Difficult was it to be believed that any man, but still more so, that an individual holding so important a situation as his Royal Highness the Duke of York, should, for such a contemptible consideration as two thousand five hundred pounds or three thousand pounds (and this was the utmost that was attempted to be proved against him,) become a party to such a base conspiracy as that of which he was accused; or, that by such means, he would feed and supply the adulterous connection in which it was not to be denied that he was engaged. Such a departure from public principle, and from every feeling valuable to a public man, was not to be credited on light grounds. He confessed, that every prejudice of his own mind was, in the first instance, excited against the probability of this accusation being well founded. It had been proved that it was ill founded; it had been proved that his Royal Highness was as free from corruption as he had originally conceived him to be. If, however, the charges were sustained by the House, his Royal Highness was amenable to the laws; and in that case it became them to impeach him for his alledged crime, and not to impose on his Majesty that task which it was their duty themselves to perform. If the House thought his Royal Highness innocent, they ought to declare him so; if they thought him guilty they ought to bring him to the Bar of the House of Lords and put him on his trial. It would not be unusual for the House to bear in mind, that there were two distinct subjects for their consideration; in the first place the question of the guilt or innocence of his Royal Highness; in the second, the course of proceeding which must ensue. The first subject was a judicial examination; and the determination of it must depend on an accurate and careful examination of the evidence that had been received upon it. The existence of corrupt practices

must unquestionably be admitted to the Hon. Gentleman—the only question was, whether his Royal Highness allowed Mrs. Clarke to use her influence with him corruptly? Undoubtedly if Mrs. Clarke's evidence was to be believed there could be no question whatever. The case was fully established with all its aggravations. It was not neglect or connivance, but original sin in his Royal Highness, which Mrs. Clarke's testimony went to establish; for she declared that when she was distressed, his Royal Highness told her her power was greater than that of the Queen, and that if she was a clever woman she would not trouble him for money. It was to be observed that Mrs. Clarke made this statement but once. She never ventured to repeat it, although she declared that she had frequently, when under pecuniary embarrassment, applied to his Royal Highness for relief. But was it possible for a moment to contend, that the simple, unsupported, uncorroborated testimony of Mrs. Clarke herself with respect to this supposed declaration of the Duke of York's, should establish its authenticity? Certainly not. The House would assuredly demand some additional authority. During the whole of his legal experience, he had never seen a witness who, from her story, from her character, and from her conduct at the Bar, was less entitled to credit than Mrs. Clarke. He could not therefore but be astonished at the statement made by the Noble Lord opposite, that he was convinced there was not one word in that individual's testimony which was not the truth.

Lord FOLKSTONE spoke to order. He requested the Right Hon. Gentleman would represent what *he* had said correctly.

The CHANCELLOR of the EXCHEQUER was not aware that he had been disorderly, although he allowed that it was incumbent on him to represent with all possible correctness the sentiments of any Honourable Member. He certainly had understood the Noble Lord to attach implicit belief to Mrs. Clarke's testimony. If that Noble Lord, after the opportunities which he had had of seeing her at the Bar of the House; after the means that had been afforded him of tracing her progress through life; after the proof that had been adduced of her participation in corrupt practices, was so far deluded by her engaging manners and fascinating deportment, the House would not be surprised that another frail human being, placed, perhaps, more within the reach of her snares, and little suspecting that she was playing an insidious game with him, should be deceived into confidence.

It was not surprising that his Royal Highness should be occasionally decoyed by Mrs. Clarke into conversations on military matters; that he should sometimes speak to her on subjects which might have been proclaimed at Charing-cross without injury to the public service; that he should tell her when

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Tonyn was to be gazetted, or whether French's levy would be allowed. But surely his Royal Highness might do all this without any corrupt motive. He wished the House also to pay attention to the circumstances attendant on the annuity of four hundred pounds promised by his Royal Highness to Mrs. Clarke. In the letters from Mrs. Clarke to Mr. Adam, she threatened his Royal Highness with exposure if this promise was not fulfilled. What was the conduct of his Royal Highness? Instead of conceding any thing, he did all in his power to exasperate her. And how did Mrs. Clarke appear? As an accomplice. Not as a repentant accomplice—not as actuated by a patriotic, but as stimulated by a revengeful feeling, a feeling so powerful as to induce her to disgrace herself by the public avowal, that she was engaged in corrupt practices down to the very moment at which she gave her testimony. If Mrs. Clarke was to be believed, she had even put into the hands of the Hon. Gentleman letters of recommendation, for the purpose of procuring to them the signatures of Members of that House. And was this the sort of witness to whom the House would resign the character of the Illustrious Individual accused? But this was not all. Another strong presumption of his Royal Highness's innocence arose out of his refusal to comply with Mrs. Clarke's demands, with respect to her annuity. He was willing to allow, that when Mrs. Clarke was discarded by his Royal Highness, it would have been preferable to have settled on her an annuity, not conditional, but absolute; but this was not done, and so far it was a favourable circumstance to the Duke of York, since it could not be believed, had he the least consciousness of guilt, that for the sake of such a paltry sum as four hundred pounds a year, he would have neglected to secure the silence of one so able to inculpate him. While he allowed, that in his opinion, it would have been better had his Royal Highness granted Mrs. Clarke an unconditional annuity, he was perfectly of opinion with his Hon. and Learned Friend* that from the moment Mrs. Clarke accompanied her requisition with a threat, the propriety of doing so ceased, and that if after that threat his Royal Highness had granted Mrs. Clarke's request, whether guilty or not guilty, he would indeed have put himself into her hands. — The unblushing manner in which this witness had confessed her own disgrace at the Bar, ought to make the House very jealous respecting her evidence, when her great art was recollected, her adroitness in evading the questions proposed to her, and her sudden want of recollection, when at length compelled to answer, when the House considered the manner in which they had themselves forgot her vice in her pleasantry, and her infamy in her wit, they would not be surprised, that such an artful and unprincipled

* Mr. Adam.

pled woman should be enabled to take many advantages over an unsuspecting individual, who was attached to her. It was not wonderful that she should occasionally betray him into conversation on the subjects which had engrossed his attention during the whole of the day; that he should learn from him, whether Major Tonyn was to be gazetted on a Tuesday or on a Saturday, or whether any new regiments were to be raised or merely second battalions. What man was there in that House who could say, that at some time or other of his life he might not have fallen into the snares of such a woman? And would any one consider justice had been rendered to him, had he been condemned on the trifles which he might have disclosed to her in the moment of undisguised and thoughtless confidence?

On the pernicious effects of adulterous intercourse, there was no man in the House who would be disposed to hold stronger language than himself. There was something so loose in the character of the times; there were so many Bills from the other House indicative of that character, that he saw no reason to repent of the measure he had proposed to make the adulterer amenable to the criminal law of the country. Yet, in that attempt his motives were most grievously misconstrued, and it was supposed, that there was some fanatic in the Commons; some puritan, some enthusiast, who was unworthy attention, while his sole design was to prevent a crime which was cutting up by the roots all that constituted the comfort and charm of society. If the House thought fit to reject his proposition, and not to punish even as a misdemeanour such an offence, let it at least act consistently with itself, and not inflict the most terrible of all punishments upon the Duke of York for his connection with Mrs. Clarke.

He regretted extremely, that he was compelled to detain the House so long, but he felt that he had scarcely entered upon the case yet. (*Hear! Hear!*) His next step should be, to point out some material contradictions in Mrs. Clarke's evidence. The first of these was the assertion repeated over and over again by so many witnesses, that Mrs. Clarke was anxiously desirous to conceal the transactions in which she was engaged from the knowledge of the Duke of York. Dr. Thynne, Mr. Robert Knight, Captain Sandon, Mr. and Mrs. Conn, and Mrs. Hovenden, all spoke to this fact, while Mrs. Clarke declared positively, that she did not remember anything like a wish expressed on her part for secrecy!—Mr. Knight had declared that Mrs. Clarke told him, that unless the Duke of York would come to her terms, she would expose him. This Mrs. Clarke as positively denied. But she had an interest in the denial, Mr. Knight had no interest in the assertion. Here was a complete contradiction of Mrs. Clarke's testimony. He would

would not dwell on the minor cases in which Mrs. Clarke's veracity had been impeached, but he could not allow them to pass wholly unnoticed. She had declared that her husband was in no trade or employment. The evidence of Mr. Stowel proved that he was a Stone-mason, and that while he was in this occupation she had by him three children. If a witness be indifferent to truth, in matters of no importance, the House might be assured she would be regardless of it in affairs of moment, where the temptation to deceive was so powerful. Looking at this sort of testimony, it would be seen that the Honourable Gentleman* (Colonel Waidle) had greatly overstated his case, and no benefit was ever derived from such exaggerations; it always defeated the purpose it was intended to promote. Again, as to the evidence respecting Dowler, Mrs. Clarke said that she only saw him once, and he was much in the same story. It was clear that this was a tale trumped up between her and him at the midnight scenes in St. Martin's-lane. All this contrivance was obviously to disguise the truth. He did not know to what disgrace and punishment the House might think fit to consign the Duke of York; but he for his own part, would not whip a dog upon such testimony. How did the evidence of a man, like Dowler, deserve to be esteemed? (*hear! hear!*) Passing by all the transactions at the Stock Exchange, let him if Gentlemen so please, come to the Bar of the House immaculate, yet at the bar he was discovered tripping, and intimating, notwithstanding his preconcerted plans, that he was an unwilling witness. Not the least faith ought to be reposed in his testimony, and to place reliance upon such a witness would disappoint all the ends of public justice. Yet on such incompetent proof, it was expected that the Duke of York was to be condemned. Had the schemes of these collusive witnesses not been detected, he knew the use that would have been made of this part of the testimony. A man of this description coming from Portugal, and corroborating the statements of Mrs. Clarke, would have been represented as an extraordinary instance of the interposition of Providence to detect the guilt of the accused. These then were some of the inconsistencies by which the testimony of Mrs. Clarke was invalidated, but when it was also considered that she was an accomplice, what mind could hesitate a moment without rejecting all that she had said at the Bar of that House, tending to criminate his Royal Highness? Then clearing the case of Mrs. Clarke, was there any ground remaining to support the charge of corruption?

With respect to the charges preferred against his Royal Highness, he confessed, that it appeared to him a miracle, considering the number of promotions which must have taken place during the period of his Royal Highness's connection
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with Mrs Clarke, that so few had been brought forward, and that those few had been so satisfactorily explained. In the course of a year about four thousand military promotions of one kind or another took place. During the connection, therefore, of the Duke of York and Mrs. Clarke, above ten thousand promotions must have occurred; but out of these, although Mrs. Clarke declared she had been instructed to use her cleverness, only the few instances of alleged corruption before the House had been brought forward, and of those few he would venture to say, that, with the exception of Major Tonyn's case, there was not one which was not satisfactorily disproved as far as the Duke of York was implicated.—With respect to Major Tonyn's case, he allowed that the circumstance of the Note had not been satisfactorily explained, but he was confident that he should be able to prove the falsehood of any presumption from that circumstance that blame attached to his Royal Highness. If there was no one case but this, and even this was incapable of proving guilt, though it might not exactly demonstrate innocence, the conclusion to which the House must come, would be the same as that of any other Court of Justice upon the same evidence.

Adverting to the case of the exchange between Colonel Brooke and Colonel Knight, he entered into an examination of the evidence on that subject; and contended, that the circumstances stated by Mrs Clarke were wholly her own fabrication. He totally disbelieved that she had made any application whatever to the Duke of York on the subject. It had been proved that the business had been for months pending, and yet Mrs. Clarke pretended, that having applied to the Duke of York on a Thursday, she completed the business by the next Saturday! Unless Mrs. Clarke were credited, not a tittle of all this was established. She declared, that she told the Duke she was to receive two hundred pounds and afterwards shewed him the fruits of her labours, and she introduced into this story what she no doubt conceived a happy circumstance—that his Royal Highness was going out of town next day, and that he desired one of his servants to get change for her, which he did. The only servant, however, belonging to the Duke of York, who ever accompanied his Royal Highness to Gloucester-Place had declared, that he never got change for any note such as that described. To contradict this witness, Pierson, Mrs Clarke's butler, had been called; but so far from confirming Mrs. Clarke's declaration, that the note was changed at night, he stated that it was changed in the morning. The note therefore of which Pierson spoke, could not be the note alluded to by Mrs Clarke, and she remained totally unsupported in her assertions. Pierson's second examination abounded with contradictions. He first declared, that
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he had no alteration to make in his former evidence, and then immediately added, that on the night the Duke of York went to Weymouth, he had got change for a one hundred pound note. But on his cross-examination he acknowledged, that Lodowick had told him he was deceived, and that he had afterwards called on the Hon. Mover. He also stated the note to be for one hundred pounds; to Mrs. Clarke he had stated it to be fifty pounds. He likewise declared, that he had got the note changed at Byfield's in Vere-street, while he had before asserted to Mrs. Clarke (according to her testimony), that he had got it changed at Stevens's in Bond-street, and on Mrs. Byfield's being examined, she proved, that though Pierson had called at her shop with a note, he had not obtained change for it. There was not a fact relating to this note, connected with any other witness, in which the testimony of Mrs. Clarke had not been completely disproved. If such polluted sources of evidence were to be believed, there would be an end to all security against the machinations of fraud and revenge. With respect to Colonel Brooke, the assertion of his unfitness, made by the Honourable Mover, if true, did not rest on the Duke of York. Colonel Brooke was a Major in the army in 1794, which was before his Royal Highness came into power.

The next case was that of Colonel Trench's levy, and here the House were called upon to accept of the evidence of Miss Taylor in confirmation of the testimony of Mrs. Clarke. He was not disposed, he said, to follow the witness through all her prevarications respecting her father and her connections, he would leave that part of her testimony alone, and come at once to her representation that she had been ten years the intimate friend of Mrs. Clarke. Did that fact, he would ask, add any thing but suspicion to her evidence, especially when it was recollected that she principally depended upon Mrs. Clarke's bounty and charity for support in her embarrassed situation? What was it but one gross contaminated conspirator handing over to another matter in support of her allegations? Did not every feature of the case excite suspicion? Miss Taylor had also represented herself as a Lady keeping a boarding school for the instruction of young ladies, and one to whom the morals of the rising generation were to be entrusted. But it was said that her case deserved sympathy and feeling; but he would ask, was the House to feel nothing for the character and honour of the Duke of York, upon whom it was sitting in judgment? (*Hear! Hear!*) He should disgrace himself if he was to indulge that morbid state of sensibility that could lead him to feel for such a woman at the expence of the Illustrious Personage whose conduct they were contemplating.

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Some Honourable Gentlemen had complained that this witness had been treated with much harshness in the course of her examination at the Bar of that House. He was not sensible that she had been treated with any other severity, than that which was requisite to elicit from her what she really knew, and to place in their proper light all the bearings of her evidence. He should be surprised indeed, if, after a due attention to it, it should operate with any force on the mind of any gentleman. It must occur to every person who attended to the nature of her evidence, that, in its complexion, it nearly resembled that which was exhibited almost every day in the courts of justice, by witnesses who were brought forward for the express purpose of proving some particular thing respecting which they had previously been anxiously prepared. Upon that point then recollection seemed to be fresh and full; upon every other, then memory appeared a mere blank. Just so with Miss Taylor, she could perfectly recollect what had passed four or five years ago, but was wholly unable to remember what had occurred only four weeks before. Surely there was in this something so strange and striking, that it was impossible to pass it over without some animadversion. If the House attended to the tenor and drift of the language which this witness affirmed the Duke of York to have made use of, respecting the conduct of Colonel French, they must alike be struck with its utter improbability. Was it probable, was it credible, that his Royal Highness could have made use of such words, or divulged such a secret in such company? Was it credible he would have explained himself upon such matters, before a person in whose presence he had never, on any former occasion, touched upon such subjects, if he could possibly be supposed to allude to transactions in which he had a corrupt interest? Incredible!—Still in the supposition that Miss Taylor did tell the truth, with respect to the words alleged to have been used by him, was it not quite natural for him so to express himself respecting a person by whom he had been so pestered and importuned? Not so as to the language said to be used by Mrs. Clarke. To the question—How does he use you, darling? is it likely Mrs. Clarke would have answered, muddling? She had already received one thousand three hundred pounds, out of two thousand pounds—Was that to be called muddling? She expected more, and was it probable, that by making use of harsh language in describing the conduct of Colonel French towards her, she would have risked indisposing the Duke against him? Would she not, on the contrary, have rather spoken kindly of him, and not hazard breaking that golden egg? Would she not have rather observed—It is true, he pesters you, but to me he behaves
very

very well.—But even, although Miss Taylor may have told the truth, as to the expressions made use of on the occasion by the Duke of York, it would not follow that they proved any corrupt practices on his part, or that they could have been liable to the meaning which this evidence would fain affix to them. Even though the levy had continued two months longer after this observation of his Royal Highness, no proof of corruption could thence be inferred. Might not that permission be fairly construed into a wish to afford some more time in order to see if the levy could be continued with better prospect to success? Where then would be the proof of any improper indulgence in this respect? But what was soon after, according to General Taylor, the report of General White-locke. Did he not represent that it had already been attended with considerable expence; and that if it did not proceed with more success, so unproductive a levy must be discontinued. The complaint of the heavy and unprofitable expence was again repeated about the 14th of April, and the levy was then discontinued, and the letter of service withdrawn. Had the Duke harboured *the least suspicion* that Mrs. Clarke had corruptly obtained a sum of money by this transaction, had he been conscious of being liable to the suspicion of a corrupt participation in those practices, would he have expressed any displeasure? Would he not on the contrary have endeavoured by some other means to repair the loss which Colonel French had sustained. Surely some such attempt would have been made by a person who felt himself exposed to such an imputation. From every view of this case, he upon his conscience, did not imagine that any unprejudiced mind could be affected by the evidence of Miss Taylor, on this point.

The case of Captain Tonyn was another upon which some stress was endeavoured to be laid. His name was among a list of recommendations for the filling up of a number of commissions; some delay afterwards ensued, but that delay arose from the very nature of the case. For when so large a number was to be promoted, was it to be expected that the business could be expedited, as in the case of a single individual? As to the note produced by Captain Sandon, in order to prevail upon Captain Tonyn not to withdraw the deposit of 500*l.* much labour and anxiety had been bestowed upon it; and very naturally, for it was the instrument brought out in evidence to prove the privity and participation of the Duke in the profits derived by Mrs. Clarke from her interference on this occasion. But here the House had again and again to pause before they could bring themselves to believe that the note was really the handwriting of the Duke of York. They would recollect that a person who proposes to commit a forgery, will take care well to imitate the hand he would take off; and then only commit the

fact when he perceived, after repeated study of the same word in other letters, he should be able to arrive at a perfect likeness. Of these facilities Mrs Clarke was amply possessed, and there was an inference which it was therefore not unfair to draw respecting the authenticity of the note. It was to be admitted, that among the number of witnesses consulted with regard to the similarity of the note to the hand writing of the two letters, there was nearly a balance of evidence. Most of them confessed that the hand-writing of the note was very like that of the letters; but Colonel Brownrigge, who must have been well acquainted with the Duke's hand, affirmed that upon the whole, it was not like the hand-writing of his Royal Highness. The similarity was acknowledged, but the similarity, as he had already observed, did not prove the identity of the hand, or rescue the note from the suspicion of forgery. When the House recollected all the circumstances attending the note, they would still further pause before they admitted it to be the Duke's writing. It would strike them, that Mrs Clarke said she had no recollection of such a note. She would not indeed be very forward to recollect it, if it was a forgery. Besides why did Mrs Clarke who was so careful to keep every other note and paper of the Duke's, let out of her hands one of such importance, and still have no recollection of it? Could it be supposed, that after writing to the Duke for the express purpose of getting an answer from him to 'shew Tonym, she could have forgotten so particular a circumstance? It was in fact, no part of her case; and the only evidence respecting the identity of this note, or the meaning it was intended to express, was Sandon's own. Without his construction, the note meant nothing. The House, if they chose toered it such a construction, might go farther; they might let loose their imagination, and invent conjectures to *fit-in* and *dove-tail* with any part of the criminal charge against his Royal Highness. But he begged to remind them that to decide on such ground would not be a decision by evidence, but conjecture (*Hear ! hear !*) This note too, was contained in an envelope addressed to George Fairquhar. But if this note had been given to him by Mrs Clarke it would have been addressed to herself. Supposing, however, the note to have been written by the Duke himself, what then? Was any thing more likely than that, without the most distant suspicion on his part, of any sinister attention, he might have been induced by the address of Mrs. Clarke to write such a note, for the mere purpose of ridding her for a short time, of the importunity of her friend, by quieting his apprehensions for the present. At least if conjecture was to stand in the place of evidence on one side, it was as fair to assume it on the other, and he had as much right to assume this conclusion from the note, as those who would accuse his Royal Highness had to invent for it a criminal construction.

There

There were other cases which now remained for him to examine ; but he confessed he felt rather exhausted, and there remained much for him to do in what he had still to observe—[here repeated cries were heard of “ Adjourn ! adjourn ! go on ! go on ! ”]

He resumed, with expressing his wishes that the House would not, on his account, suspend the discussion of the subject, as he would endeavour to proceed —[An increased call of Adjourn ! adjourn !]

He would, in compliance with the feeling of the House, forego any farther discussion of the evidence, and confine himself to the course of proceeding, which he felt it the duty of the House on this subject to adopt. The first thing therefore that he should propose was, a measure which, except on very extraordinary emergencies, was not a very decorous one to adopt, namely, to convert the Address moved by the Honourable Gentleman (Mr. Wardle) into the following Resolution

Resolved, That Charges having been brought against his Royal Highness the Duke of York, imputing to him personal corruption and criminal connivance in the execution of his office, and this House having referred the said charges to a Committee, &c. feels it its duty to pronounce a distinct opinion on the subject

If that should meet the concurrence of the House, it was his intention to propose another Resolution, in which the House would express its distinct and decided opinion upon the accusation itself.

Resolved, That it is the opinion of this House, after the fullest and most attentive examination of all the evidence adduced, that there is no ground for charging his Royal Highness with personal corruption or connivance at such practices, disclosed in the testimony heard at the bar.

After the House had determined upon these resolutions, he felt both due to then affection to the Sovereign, to the character of that House, and to the high situation of the Commander in Chief, connected with the near relationship subsisting between the Illustrious Personage who held that responsible situation, and the Monarch of these Realms, to address the Throne on the subject of the Inquiry, on which that House had been engaged, in order to relieve the mind of his Majesty from uneasiness. In that Address, he felt that the House should not pass by unnoticed what had been proved at that bar, and that, as the original Address, proposed by the Hon. Mover (Mr. Wardle), went to pray for the dismissal of his Royal Highness, from the responsible situation which he then filled, he did conceive that the House, in its declaration of his innocence, ought to make some reference to the benefits which his military administration had conferred upon the country,

believing as he did in his soul, that in the kingdom there was not an individual more able than his Royal Highness to execute its numerous and important duties. In thus conveying their opinion to their Sovereign, he was impressed with the necessity of also embodying other sentiments, which the House must feel from the disclosure which had been made.

That an Address be presented to his Majesty, humbly representing, that in consequence of charges against his Royal Highness the Duke of York, his faithful Commons thought it their indispensable duty to inquire into the same, in the most solemn and public manner, and after the most diligent and attentive inquiry, his most faithful Commons, considering the lively interest his Majesty must feel in any inquiry into the relation of his Royal Highness the Duke of York, thought it their duty to lay before his Majesty the following Resolutions

[Here he proposed to insert the above Resolutions]

And his Majesty's faithful Commons think it their duty further to state to his Majesty, that while the House has seen the exemplary regularity and method in which business is conducted in his Royal Highness's office, and the salutary regulations introduced by him, some of which were intended to prevent the very abuses complained of, and which have been brought under review, they cannot but feel the greatest regret and concern, that a connection should have existed which has thus exposed his Royal Highness's character to public calumny, and that frauds should have been carried on, with which his Royal Highness's name has been coupled, of a most disgraceful and dangerous tendency, but it is, at the same time, a great consolation to the House, to observe the deep concern his Royal Highness has expressed, that such a connection should ever have taken place, and on the expression of that regret, the House is confident that his Royal Highness will keep in view the uniformly virtuous and exemplary conduct of his Majesty, since the commencement of his reign, and which has endeared his Majesty to all his subjects

The House then adjourned the further discussion until the following day.

THURSDAY, MARCH 9.

The Order of the Day having been read for taking into further consideration the Report of the Committee appointed to inquire into the conduct of his Royal Highness the Commander in Chief,

The CHANCELLOR of the EXCHEQUER resumed the debate of last night, with the conclusion of his speech, which he had left unfinished at the adjournment, by apologising now, if he had omitted it last night, for the great length at which he found himself under the necessity of occupying their attention. In the course of his former discussion, he had disposed of the cases of Brooke and Knight, and of Captain Tonyn's promotion, so as to leave in his mind nothing more to add to them.

With

With respect to Colonel French's levy, he had learned, that further papers had been lately laid on the table on that subject, but not having been able to look into them, he could not speak particularly as to any new matter they might afford. He understood, however, that they referred particularly to a subsequent appointment, obtained by Colonel French, with respect to which he observed in general, that Colonel French's appointment to that situation did not take place for more than a year and a half after the levy was completely put an end to; and therefore this circumstance could not at all affect the observation he had formerly made, that the Duke of York's not having attempted any means to conciliate Colonel French on the unfavourable close of his levy, was a convincing proof that his Royal Highness feared nothing from the resentment of Colonel French, being conscious of having done nothing which that Officer, in the heat of his resentment, could expose. Had his Royal Highness been conscious of any transactions of an improper nature, to which Colonel French and Sandon were privy, it was natural to think that he would not have broken with them in so abrupt and decided a manner, but would have taken care not to provoke them to a discovery of those proceedings, by allowing them to retire without some equivalent to induce them to silence. Their dismissal, however, was complete, and the subsequent appointment of French could militate nothing against this observation, as that appointment did not take place till nearly two years after, as he had already stated, and of which Colonel French at the time could have no expectation. An objection had been made to the conduct of his Royal Highness, because he did not put a stop to the levy the moment he was informed of the abuses alleged to have taken place in Ireland; but he must remind the House, that the complaint did not originate with General Taylor against Colonel French, but with French, against the conduct and treatment he met with from the Inspector General in Ireland. In answer to these complaints, a representation was sent over, of the misconduct of the officers conducting the levy, and as soon as this arrived at the Horse Guards, the necessary measures were adopted for enquiry. It appeared from the correspondence before the House, that Colonel Gordon gave all due credit to the zeal and attention of General Taylor, but that gallant Officer was not acquainted with the terms of the levy allowed in the letter of service, and from this circumstance the misunderstanding appeared to have originated. The original aid agreed on in the letter of service, was forty-five Recruiting Sergeants, and ten commissioned Officers. Colonel French proposes an increase of these to sixty-three Sergeants, which he is allowed, on condition that within a given time it shall appear that their progress in recruiting was more rapid. This trial, however, also failed; for, on the 2d February, 1805, a letter is addressed, by

order of his Royal Highness, from General Whitelocke to Colonel French, complaining of the very little progress made in recruiting for the levy, and adding, that unless the increase was very considerable by the ensuing 1st of April, his Royal Highness would feel the necessity of recommending to his Majesty the discontinuation of the levy, as unproductive. On the 14th of April following, another letter from General Whitelocke is addressed to Colonel French, complaining again, not only of the unproductiveness of the recruiting service for the levy, as compared with its expence, but of the disgraceful conduct of the Non-commissioned Officers employed therein, as represented by the Inspecting Field Officer of the London District, and stating, that he had submitted to his Royal Highness the propriety of discontinuing a levy so burthensome and unproductive, and accordingly it appears by a letter from the Commander in Chief to the Secretary at War, dated House Guards, April 16, (*vide Appendix*) that an end is put to the levy altogether, for the reasons previously stated.

The Right Honourable Chancellor here complained that the Honourable Member (Mr Wardle) in going over the evidence on the preceding night, had read only a part of certain letters on this subject, that at first sight appeared to attach blame to the Office of Commander in Chief, whereas, had he proceeded farther in those letters, and taken their parts in connection, a contrary result would have appeared (*an expression of dissent from Mr Wardle*). He should be extremely sorry to misrepresent the Honourable Gentleman, but that was his feeling on the occasion, and, if he had been mistaken, he felt that it could make no improper impression on the House, as the matter would exactly stand as it was, and as the documents, being in the hands of Members, could easily be referred to, which, if considered in the whole, could lead to no conclusion that would detract from the zeal and attention of the Commander in Chief. This much he had thought it necessary to say, in addition to what he had stated last night, with respect to Colonel French's levy, and should not trouble the House with any thing farther on this subject, except with a single remark on the expence said to have been incurred by this levy. It had been observed, that the men raised by this levy had cost the country 150l. each but it ought to be remembered, that this estimate included the whole machinery of the levy, with the officers and non-commissioned officers, that were necessary to be first raised, and that, had it proved successful, the calculation on each man must necessarily have decreased, as the numbers were augmented. Had the levy, however, been stopped sooner, this calculation must have been still higher. So much was this the case, that on examining the documents, it would appear, that had it been stopped at the end of one month, it would have cost 1000l. instead of 150l. per man.

man. To continue the levy longer, therefore, instead of being culpable, became a measure of economy, because in proportion as it was continued, the expence was decreased, till it was found it would not answer any good purpose to persevere in it longer. The Right Honourable Member concluded his observations on this part of the subject, by stating two levies that came within his own knowledge, and which, had they been stopped at the same time Colonel French's was, they would have been attended with an expence of 140l per man.

The next point to which he would advert was, the case of Colonel Shaw, to which he conceived it extremely material that the House should attend, as in that case would appear as much falsehood, as in any other part of the imputations brought forward. He begged leave to refer gentlemen to the evidence of Mrs Clarke, in which it would appear from her answers, that Colonel Shaw had applied to her to procure for him an appointment, through the medium of his Royal Highness the Duke of York; namely, that of a Lieutenant-Colonel, for which, though she could not immediately recollect the sum he promised her as the reward of her success, she yet believed it to be 1000l. That, in consequence, she acquainted the Commander in Chief with the offer, and applied for the appointment. That Colonel Shaw wished to be Colonel of the Manx Corps, in the Isle of Man, where his father had been Deputy Governor. That she applied for this, but did not succeed, because there were stronger claims in another quarter. That she afterwards applied, on his behalf, for the situation he now holds, Barrack-Master-General at the Cape of Good Hope, for which she received 500l. of which she recollected to have had 300l from Colonel Shaw, and 200l more brought by some man whom she understood to be a clerk of Coutts's, but had a great mind to send it back, thinking it would be made public. But that, not being satisfied with this 500l. she made a complaint to the Commander in Chief, in consequence of which his Royal Highness said he had told her all along she had a very bad man to deal with, that she ought to have been more careful, and that he would put him on half-pay. She was asked if she knew he was put on half-pay in consequence, and her answer was, that he sent her several letters complaining; but she did not trouble herself much with reading them. One of the letters she gave in that night, she believed, but she thought him already too well off for his conduct to her.

Now it appears from the document to which she refers, and which was a letter not sealed, not in envelope, and only addressed to Mrs Clarke, at the bottom of the sheet, that he promises her, instead of 500l an annuity of three hundred pounds a year out of the profits of his place. Was it to be supposed then, that Mrs. Clarke, when offered an annuity of 300l. per annum, had any
cause

cause to complain of Colonel Shaw, who, according to her own statement, was in arrear to her only to the amount of 500l ? It was obvious, from all the circumstances of the case, that, as Mrs. Clarke had no power to accomplish the object of Colonel Shaw, which was inconsistent with the practice of the army, she affected only to make light of an offer which must have been an object to one in her situation.

This was one more instance, among many others, in which her testimony was not to be believed, and shewed how little reliance was to be placed in her evidence. With respect to the promotion and appointment of this Gentleman, it was evident, from the official documents, that they were carried on by General Burrard, and were not at all owing to the influence of Mrs. Clarke. The circumstances were in many respects inconsistent with her story. General Burrard had repeatedly applied in behalf of Mr. Shaw, and it appeared from the evidence before the House, that he had applied with much importunity. The whole business appears farther to have been arranged with General Burrard, who, in one of his letters to Colonel Gordon, on this subject, writes in the following terms. Here the Right Honourable Member read the letter from the minutes, of which the following is a copy

My dear Sir,

March 26, 1806

To shorten the business, I send you Shaw's letter, which is nothing more than to say, that he gratefully will accept, if the Deputy Barrack Mastercy at the Cape can be obtained, with the rank of Lieutenant-colonel, and go there in three weeks, I explained that, and also that, if it could be obtained, he would be put on half-pay as soon as it could be done. His request is to come to London immediately, if he can succeed.

To Colonel Gordon.

(Signed) H BURRARD.

The inclosed letter of Colonel Shaw to General Burrard, of which the following is a copy from the minutes, will shew farther that he accepted of the appointment with half pay, and must have known, when he accepted it, that it was on those terms he received the appointment.

My Dear Sir,

Pevensey Barracks, March 28, 1806.

I am just honoured with your letter, and I trust you will believe that I feel, though I shall not attempt to express my gratitude for your present and many kindnesses towards me, and I can only add, that my sense of obligation can alone cease with my existence. I have, as far as the present time allowed, given every consideration to the proposal you have made me, and should conceive myself most fortunate in succeeding to it, and should be ready to proceed in the time you mention. I have only to request, should the decision prove favourable, that I might be permitted an immediate leave of absence, as I should have a great deal to arrange in regard to my family, &c.

To Gen Burrard.

(Signed) J. SHAW.

It is clear, from these documents, that Colonel Shaw must have accepted the appointment with an understanding that he was only to be put on half-pay, while at the same time it is equally clear that the business was negotiated, and the appointment obtained, through the medium of General Burrard. What interpretation then, it might be asked, is to be put on Colonel Shaw's letter to Mrs. Clarke? The explanation of this circumstance was very easy—Colonel Shaw, like many others, having got an appointment, for which he appeared at first very grateful in having obtained, was anxious to have something more. Having obtained, therefore, the appointment of Deputy Barrack Master, with the rank of Lieutenant-colonel on half-pay, he wishes to be placed on full pay, and writes accordingly to Mrs. Clarke, supposing her influence might effect it, making her considerable offers, in case of success. The result shewed how much mistaken he was in the opinion he had formed of her influence, and how false her pretensions were to such influence with the Commander in Chief; for notwithstanding this application, Colonel Shaw had been unable to obtain his object. He trusted the case would never more be referred to, unless for the purpose of disproving the evidence of Mrs. Clarke, which it did, in his opinion, in the most satisfactory way.

The Right Honourable Member then adverted to the case of Dowler's appointment, which rested wholly on Mrs. Clarke's evidence and his own. He should not repeat what he had said formerly on this subject, but should take a short view of their combined evidence, as it stood on the minutes. It appeared on the testimony of both, that Mr. Dowler had given Mrs. Clarke a thousand pounds, but for what purpose was not so evident. It appeared, indeed, on the face of the whole evidence before them, that they had sometimes united their endeavours in raising money, and that Dowler had been all along the favourite paramour of Mrs. Clarke. In such circumstances, it would easily occur to the House what weight was to be given to their testimony. Mr. Dowler had stated positively that he had employed no other interest or recommendation in procuring his appointment, but that of Mrs. Clarke, and she had corroborated his testimony of her application in his behalf. An Honourable Alderman, however, had given his testimony, that Mr. Dowler had at one time attributed his success to a very different cause, and which appeared much more probable. What were the circumstances, then, in which Dowler gave a different opinion from that he had mentioned to the Honourable Alderman, respecting his appointment? After being closeted for a whole night with Mrs. Clarke, as they had been in the course of the investigation, he comes to their bar prepared to say, for the first time, that it was owing to Mrs. Clarke alone, that he had obtained his appointment. (*A loud cry, Hear! Hear!*). Was such

such evidence as this to be relied on? He certainly did not pretend to say that this reasoning, however fair and conclusive it might appear to him, would satisfy every one, but, comparing all the circumstances, and weighing the several probabilities, he would refer it to any impartial man, whether evidence in such circumstances ought to be credited, and whether Dowler's acknowledgment to the Honourable Alderman alluded to, or his testimony at their bar, was more likely to be the truth. Individuals, however, in that House, might have suffered themselves to be prejudiced and misled, he spoke of it as a circumstance not impossible, from the same sources by which the public mind had been poisoned. The efforts of some of the weekly and diurnal journals had been unremitted in attempting to corrupt the public mind, to prejudice and bias the opinions of all descriptions of men. In such circumstances, in so general a conspiracy against the person accused, any trial in any Court of Justice would have been put off till the public fever had abated. Under all these disadvantages, the present enquiry had been conducted, and under all these bad impressions propagated out of doors, they had now come to this discussion. He trusted, however, that these bad impressions would be removed by a calm and temperate examination, and that no undue impressions would be permitted to warp their decisions in this important investigation.

Kennett's case he likewise found free from all imputation of the charge of corruption. On the second interview on the subject of the loan, the application had been made to Colonel Taylor, for the purpose of procuring him a place, and this as a favour to himself, and also to Sir H. Mann, who had recommended him. In the course of the proceedings, the application had been refused. It had been afterwards renewed in a letter from Kennett, in which he seemed to offer an advance in the amount of the loan, upon his appointment to a situation. This letter Colonel Taylor had not ever shewn to the Duke, but merely reported the contents.—The letter itself was of a dubious import, and they would not surely in common candour suppose the worst upon it, and that too upon a bare representation of its contents, but this part of the case he should leave to the observations of others that were to come after him.

With respect to Elderton, this was not pretended to be a case in which money had been given or received, but, from some of the letters found at Hampstead, it appeared that Mrs. Clarke had received applications from this person in favour of persons in whom he was much interested.—This circumstance, if it proved any thing, only shewed how extensively Mrs. Clarke had propagated her pretensions to influence with his Royal Highness, and that she had thus imposed on every person to whom her knowledge or acquaintance in any degree extended. There was another letter

also among those papers found at Hampstead, and written by Elderton, the son, to his Royal Highness the Duke of York, thanking him for having obtained for him leave of absence from Sir Robert Abercrombie — The following is a copy of this letter, taken from the minutes

Sir,

It is infinitely beyond the power of language to convey to your Royal Highness an adequate idea of the extent of my gratitude for the great favour which you have deigned to confer on me, in confirming the leave of absence granted to me by Sir Robert Abercrombie. Your Royal Highness has raised me from the most profound despair to happiness, and I shall never cease to bless your Royal Highness for your gracious condescension and goodness, towards your Royal Highness's most devoted Servant,

HENRY ELDERTON

This letter, observed the Right Hon. Member, was another proof of the way in which Mrs. Clarke was in the habit of imposing upon those who listened to her arts. It was found without any envelope, and addressed on the note itself to his Royal Highness, without any seal, so that it must have been inclosed in a cover or letter addressed to Mrs. Clarke for his Royal Highness. His Royal Highness, however, could never have received this letter, otherwise how should it have been found among her papers. The fact is, that she had retained it, and never given it to the Duke, having made this Officer believe that he had obtained his leave of absence through her means, and willing to shew Mrs. Clarke the expressions of his gratitude to his Royal Highness for a favour of which his Royal Highness knew nothing. He had inclosed this note unsealed to Mrs. Clarke, that she might deliver it to the Duke. In such circumstances, however, it was not to be supposed that it should go farther, and therefore it was found very naturally among Mrs. Clarke's papers; besides, it was well known that his Royal Highness had nothing to do with regimental absences, and could not interfere in this case with Sir Robert Abercrombie, from whom the leave of absence had in fact been obtained, without any interference on the part of his Royal Highness the Duke of York.

The Right Honourable Gentlemen then directed the attention of the House to the case of Major Turner. This was the case, he observed, of a person, who wished to resign, and be permitted to sell out. It appeared that a letter had been sent from a Mrs. Sinclair to the Duke of York, saying that the resignation should not be admitted for six months, as she was in a situation that might then render it necessary to know where to find this Gentleman. In consequence of this letter the business had been delayed for some time till the proper enquiries could be made.

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The Honourable Member (Mr. Wardle) had remarked on this case with great severity. He observed, that the Duke knew who this woman was, and therefore ought not to have acted on her information, in prejudice of an officer of honour and merit. Does the Honourable Gentleman then mean to say, that no information of whatever description should have been received by his Royal Highness on such authority as this? Does he mean to say that no information is to be received on such authority? Does not the Honourable Gentleman perceive how far this principle will militate against himself, who has taken all his information from Mrs. Clarke (*a loud and repeated cry of Hear' hear'*) who, in the whole of this business before the House, has acted on her information (*Hear' hear'*) who, resting on her allegations alone, and without waiting to make the necessary enquiries, has brought these charges before the house? (*Hear' hear'*) and pledged himself to the House, on her authority alone, to substantiate them? (*Hear' hear'*) Should it be thought criminal in the Duke of York to listen to a woman of character, complaining of injustice and oppression, while the Hon Gentleman himself attempts to raise his character and fame in the public estimation on the authority of a woman of an equally abandoned character? (*Hear' hear'*) They were told by Colonel Gordon, at the same time, that the same attention would have been given to an anonymous letter, had it appeared to contain matter deserving of enquiry. An anonymous letter, it is true, says the Honourable Gentleman, may contain information worthy of enquiry, but from a woman of this description - what could be expected. Mrs. Sinclair, however, did not place the information on the authority of her own testimony alone, she refers in her letter to several officers who knew she said the whole truth, and yet the Hon Member, under all these circumstances of the case, complains of any delay having taken place, or any attempt at enquiry having been made. General Cartwright having been applied to, said he was ignorant of the matter. Other enquiries were likewise made, and such information obtained in the course of three weeks as satisfied the Commander in Chief. Without farther delay, Major Turner instantly obtained leave to sell out, as may be seen in his letter, which states that he had received the communication officially from Colonel Monday.

The next case to which he should refer, was one which had been handled by his Learned Friend behind him (Mr. BURTON) last night, in a manner so congenial to his feelings, that he should find it necessary but barely to allude to it. The case was that of Samuel Carter, and on this he might be permitted to say, that if Samuel Carter had no other recommendation than that of Mrs. Clarke, a person circumstanced as he was, would not have
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been an unfit object of attention, upon every principle of humane and considerate feeling. If any thing could redeem Mrs Clarke from the infamy that belonged to her, it was the manner in which she had behaved to that poor young man. When asked by the Hon Member, whether she knew Carter, she replied, yes; but she had hoped that Colonel Wardle would not have mentioned him. He had been recommended to his Royal Highness by Captain Sutton, who had lost his leg in the service in 1801. It appeared that this application had been favourably received, but that nothing had been done till 1804. This delay was satisfactorily accounted for from the circumstance of there having been no vacancies during that period. He had been represented by the Honourable Gentleman as a footboy with Mrs. Clarke, rendering his situation more degrading than it really was, for it appeared in evidence that he was not in livery, and he could really see no good purpose it could serve, nor was it at all consistent with the principles of humanity to attempt to add to the degradation of his situation, nor could he have been so long with Mrs Clarke as the Honourable Gentleman had stated. The establishment in Gloucester place did not commence till 1804, and Carter was gazetted in the month of March of that year; he could not therefore have been more than three months with Mrs. Clarke. The Duke of York on coming into this connection at Gloucester place, which was certainly so much to be regretted, and finding here the poor soldier's son, who had been recommended to him, is actuated by motives of humanity, and rescues him from his degrading situation. Good God! (exclaimed the Right Honourable Member) if a man is to be punished for his vices, let him not at least be punished for his virtues (*Hear! hear!*) On the first statement of this case, it had, he acknowledged, created a considerable sensation, but on examination it must be set down to his Royal Highness on the score of merit. Suppose even that the original application had been forgotten, was it not to the credit of his Royal Highness to take the first opportunity of protecting and promoting the son of a meritorious soldier, when accident threw him into these circumstances. He could never consider this young man as a common servant, and whatever mystery might be attached to his birth, though there was little doubt that he was the son of Captain Sutton, his letters evinced that he had received an education superior to his situation, and instead of being a disgrace to the army, had proved himself an honour to it, and without influence or protection, he had been promoted by his merit alone to the Staff, in the West Indies, where he was at the present time serving. He had no doubt that it would be regretted that this case had ever been mentioned, and he hoped that when this investigation should be known where he was serving, it would not

be received with a feeling which would prove injurious to the young man, but that it would produce a very contrary effect.

With respect to the case of General Clavering, the Right Hon. Gentleman observed, that the letter was in all their hands, in which the Duke of York, writing to Mrs. Clarke, said that Clavering was mistaken, and that no new regiments were to be raised. It had been said that this letter appeared to have been written with great caution, but any man who looked at the letter would be convinced that it was not written for the public eye. This letter compared with others, still shewed more evidently, that the correspondence between his Royal Highness and Mrs. Clarke was of a different nature from what Mrs. Clarke had generally wished to be believed. General Clavering acknowledges to have offered her one thousand pounds for a regiment, and there is very little doubt but this had tempted Mrs. Clarke to try if there was any probability of his obtaining such an appointment; but we find that his Royal Highness immediately throws cold water on it, and checks any such interference. It is evident also, that the letter of General Clavering, respecting the plan of draughting from the militia, could have no connection with any letter from the Duke: otherwise it must have been forwarded to him, and could not have been found among Mrs. Clarke's papers, as we find it to be along with that of Elderton. The truth is, that she wished to make it to be believed that she corresponded with the Duke on those subjects, and pretended to forward to him such letters, while she must have been corresponding with him on a very different subject, and playing off her own game on the General. With respect to the communication, that no new regiments were to be raised, it must have appeared to his Royal Highness as a subject of indifference, and for that reason he might not scruple to correspond respecting it in that freedom of communication which appears in this letter.

With regard to the case of Dr. O'Meara, without doubt that nothing at all to do with the military transactions of the Commander in Chief. It could not but be regretted in a moral point of view, that a person of his reverend profession should seek the objects of his wishes through such means, and that any man of his profession should come into the hands of Mrs. Clarke in such a way, was much to be lamented.—The fact was that Dr. O'Meara being most anxious to preach before the Royal Family, had received a recommendation from the Archbishop of Tuam to his Royal Highness, who did not think the worse of himself for receiving it in that way, so that upon the whole of the circumstances, this case, though in a moral point of view it was culpable, certainly in a military point of view did not attach any criminality whatever to the conduct of his Royal Highness.—

Highness.—From several of the letters which were found in Captain Sandon's possession, he should be able to shew that his Royal Highness was not acquainted with these transactions; for in the very first of them Mrs. Clarke in a short complimentary note, desired Captain Sandon by no means to come to her at the Opera, as the two Dukes would be in her box, and Greenwood with his prying eyes; so extremely apprehensive was she that she should not be seen with Captain Sandon, who was known to Mr. Greenwood to be one of those persons concerned in French's levy, and suspicions might arise by their being seen together. But in another letter a still stronger proof of her anxiety to conceal these transactions from the knowledge of the Duke of York, appears; for in writing to Captain Sandon, she desired him to be on his guard, and never let his lips breathe her name, it being a matter of great delicacy that nothing should transpire to bring their names together. There was a still stronger proof in the letters respecting Spedding's promotion, from which it appeared that Mrs. Clarke was very anxious for his advancement, and yet upon the evidence of Colonel Gordon, no such promotion ever existed, a further proof of the little influence she had over the Commander in Chief in those transactions. Besides all these, there was still a most conclusive fact against the influence she was supposed to have over his Royal Highness, and this was her own statement, wherein she gave a direct contradiction to her assertions. She stated that Mr. Greenwood was to have a share in the money arising from procuring those promotions. Now, could any body believe that this was said for any other purpose but to bring in the name of Mr. Greenwood as a party to these transactions? And this was a still further instance of her barefaced disregard to truth. It was not a case wherein she was to influence the Duke of York, but a plan to procure recommendations for persons seeking promotion.

In adverting to the case of the payment for the plate, he observed that the whole sums paid by the Duke in draughts amounted to 1363*l* which was made in different payments. If to that was added the sum paid of 500*l* by Mrs. Clarke, the whole would amount to above 1800*l*. which really was the case. It did not appear, however, that the Duke was aware of any greater sum than 1363*l* which was about the price of the Duke of Berry's plate. The 500*l* had been paid previously to any of these sums, and appeared to have been unknown to his Royal Highness, and had it even been known to him, was it to follow that therefore he must have known the manner in which that 500*l* was obtained? She had before that received from his Highness 500*l*. for buying linen. Besides, as she was not in debt, but had been living in such circumstances as to enable her to

give money, his Royal Highness was not to suppose that if she had money to dispose of, she must have got it in this manner. It was true, that Mrs. Clarke in her evidence stated that his Royal Highness provided for Gloucester-Place very little wine, whereas a great deal was drank there, but surely when his Royal Highness's money went generally for the use of the house and the table, whether the expenditure of it went in wine or in any other article was wholly immaterial, and this would appear to be the case when reference was made to the testimony of Mrs. Favery; and by referring to the evidence, it would also be found that the Duke, although he did not give bills for every particular item in the way of housekeeping, yet there Mrs. Clarke herself admits that the Duke gave her bills to get her necklace out of pawn from Parker, the jeweller, in Fleet street, which necklace might have been pawned for necessaries for the house, and of course, whether the bills which his Royal Highness had given were to take jewels out of pawn, that were deposited for the purposes of the house, or gave the bills immediately for the purposes themselves, it amounted to exactly the same thing, it was for house-keeping in Gloucester-Place.

But much stress had been laid on that part of Mrs. Clarke's testimony, wherein she stated that she was left in debt by his Royal Highness to the extent of 2000l. He wished Gentlemen would, when forming their opinion upon this part of the case, look also to the same page of her testimony. There they would find that after she had been separated from the Duke, the house in Gloucester Place was sold for 4,400l. Then how could it be possible, had she meant to deal fairly by his Royal Highness, that she could be 2000l. in debt? These circumstances, if they did nothing else, must go greatly to incline the scale of opinion in judging on the expenditure of his Royal Highness, and consequently of establishing the fact, that it was to such an amount as precluded the possibility of his privacy to any other criminal transactions, and it would be seen in that part of her testimony, where she gives an account of Dowler's bill, and her own being outstanding, that his Royal Highness expended by bills the sum of 800l. to take them up, all of which must have gone in the article of housekeeping in Gloucester-Place, and therefore confirm the extent of expenditure which he first made to that House, namely, that the sum wasted there did not fall short of 21,000l. in the course of three years and therefore it was but just to draw this inference from the whole, that reflecting on the extent of this expenditure, it could never be imagined that he believed she was supported by corrupt transactions to maintain a household, which he had so amply provided the means for himself; the more especially when she
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was eternally drawing upon him by dribbels of 200l. 300l. and 100l. at a time.

It may be urged, and indeed he had remarked that some force was laid upon his Royal Highness not looking into, and examining his accounts of expenditure, and the items for which such expenditure took place, but Gentlemen would readily admit that when the means of meeting the whole extent at the moment are not at hand, looking into accounts is a very unpleasant, and at all times a disheartening task. It was not, therefore, to be wondered at, when the rank and situation of the Illustrious Person were considered, that he should neglect so irksome a duty.

In examining the evidence of Mrs. Favery it will be seen that the object in bringing her forward was with a view to corroborate the testimony of Mrs. Clarke. Now how, he asked, was it possible that the evidence of such a woman could be depended upon, who had so grossly falsified herself? She was evidently the half-sister of Mrs. Clarke, although she disavowed it. When that part of her evidence was considered, wherein she was interrogated as being a relation of Mrs. Clarke, was it not fresh in the recollection, how she played with the House, how she endeavoured to avoid giving distinct answers, and being pressed, how she at last said, "How can I tell whether I am the daughter of Mr. Farquhar or not?" This, he would appeal to the whole House, was not the way in which a witness desirous of telling the truth, and of not concealing it, would have given evidence before such an Assembly. Then her testimony with respect to Mr. Ellis. It appeared she found out that he was summoned to give his testimony respecting what he was supposed to know of her and of Mrs. Clarke at the bar, she immediately repaired to him, and endeavoured to entice him into a case made out by herself, as a reason for representing him as a carpenter, as a shopkeeper, or tradesman, travelling, or moving about from place to place, by telling him that her motive was to screen him from the risk of being called to give evidence at the Bar of that House, whereas her real and secret motive was to conceal herself and her alliance with Mrs. Clarke, that by the appearance of having no family connection with her, the testimony she gave in the semblance of a disinterested witness, might have the more credence, the more belief and weight annexed to it, for what did appear in the evidence of Mr. Ellis? Why, in fact, that he had employed her in the name of Farquhar, and in that name Mrs. Clarke herself visited her at his house, although in the account which she gave at the Bar she gravely declared that she never knew Favery by any other name, whilst at the same moment she was perfectly well convinced that she herself had recommended her to Mr. Ellis by a

Farguhar, and by no other, as Mr Ellis himself (who it would be admitted was an unimpeached witness every way, and whose character was that of an honourable, upright, and learned man) attested before the House. He mentioned these glaring falsehoods of Mrs Clarke and Mrs. Favery, to shew what sort of people the House had to deal with, to shew the conspiracy that existed, to exhibit one glaring feature of the piece, and to manifest how, he might say, by the most unaculous means, their falsehoods were discovered.

He would not take up the time of the House by dwelling on the presumption that his Royal Highness had connived at the transactions in which Mrs Clarke was engaged, or he would not have surrounded himself with some of the most honourable characters of which the army could boast. General Calvert and Col Gordon were two individuals of that description. But his Honourable and Learned Friend behind him had impressed this part of the subject too forcibly to render it necessary for him to say any thing more upon it. "I have now," added the Right Honourable Gentleman, "gone through the whole of this extensive case, and have made the various observations which have occurred to me on the different points connected with it. These observations might unquestionably be extended to a much greater length; but I trust I have said enough to induce the House to do their duty; and to shew them, that with such a case, and under such circumstances as those which attend it, they must give a decided opinion, aye or no, on the question before them. After that decision has been made, it will be for the House to consider, what will be their next expedient step. If the House should adopt the Resolution which I have proposed, they must then enter into a comparison of the Address which I have submitted to them, and that submitted to them by the Honourable Gentleman — After making the comparison, I will confidently assert, that the House must prefer mine, for whatever may be their ulterior proceeding, I am persuaded that they will not so delase themselves as to shrink from a declaration of their opinion on the whole case, and if I am correct in this persuasion, they must necessarily abandon the Honourable Gentleman's Address, which is founded on this alternative, namely, that whether his Royal Highness the Duke of York is guilty or not guilty, the same result must ensue. The Address proposed by the Honourable Gentleman is founded on the assertion, that mal-practices have existed, and that their existence must have been known to his Royal Highness. But whether or not, his Royal Highness has himself been guilty of corrupt practices, is immaterial to the substantive measure proposed by the Honourable Gentleman. Let that be as it may, in either case the same course is to be taken. Now, Sir, if the Honourable Gentleman had so framed his original charges

charges against the Duke of York, and had so couched the speech in which those charges were opened to the House, as to lay his Royal Highness's corruption out of his view, then, indeed, the question before the House would be of a different complexion. But the Right Honourable Gentleman has not done this. From the first to the last he has alleged corrupt practices against the Duke of York. I trust, therefore, that the House will do their duty, and before they wound the paternal ears of his Majesty with any declaration of the nature and amount of that corruption, that they will say, whether or not his Royal Highness is guilty at all of any corruption; and, if not guilty, that they will adopt the Address which I shall have the honour of proposing to them. When the House with judicial feelings, shall have disposed of the judicial question before them, the other question, a question not dependant on judicial feelings, but on considerations of general policy and expediency, will remain to be decided. Sir, I am far from desirous of maintaining the opinion that political considerations ought to exclude all moral and religious considerations. But if moral and religious considerations should induce us to take any step declaratory of our unfavourable sentiments, with respect to the conduct of his Royal Highness, I trust, that in making that declaration we shall not forget what we are ourselves. I trust, Sir, that our moral feeling will not allow us to be insensible to our own frailties; and that our religious feeling will induce us to be charitably indulgent to others, however severe we may be to ourselves. I am convinced that the House must be aware of much in the character and conduct of his Royal Highness the Duke of York, which will make them deeply regret the necessity (if, contrary to my opinion, such a necessity should be thought to exist) of taking such steps as may tend to remove his Royal Highness from a situation for which I conceive him peculiarly qualified. If there be a man who thinks, that during the fourteen or fifteen years that that illustrious individual has possessed the Chief Command, the army has prospered in an unexampled manner, that he has introduced regulations of the most wise and beneficial nature; that he has consulted the interest of the officers, and the comfort of the soldiery; that he has promoted merit, wherever it has displayed itself, that he has improved the general character of the army, and reformed its discipline, that he has watched with parental care, over the interests of the troops, by the establishment of charitable institutions for their families, and of schools and colleges for the purpose of military education, — if there be a man who thinks that any other arrangement would probably be infinitely less advantageous to the army and to the country, — that it would afford a greater latitude for the exercise of party feeling, — that it might create an endless variety of petty jealousies, — that it would in all human likelihood open a door for every description of improper interference; — tha

it would produce a change of system which, considered simply as a change, must give birth to great evils; if there be a man who thinks all this, that man, Sir, will see with the deepest regret any necessity that may be supposed to exist for adopting measures leading to the dismissal from office of the present illustrious Commander in Chief. I cannot but feel, Sir, that in the course of the observations with which I have trespassed on the patience of the House much has been omitted, which I may probably have another opportunity of supplying. I cannot however refrain from making a few remarks on something that fell from the Honourable Gentleman opposite, at the close of his speech. He told us, Sir, "that the country will decide on the conduct of the Commander in Chief, and on the conduct of the House of Commons." If the Honourable Gentleman meant merely to state, that the character of this House with the public is an important consideration, and that properly to estimate and justly to deserve public opinion, was to insure to ourselves the means of being serviceable to our country, I entirely agree with him. But if, with this proposition, the Honourable Gentleman intended to couple the idea, that to any opinion formed by the public, or a part of the public, on garbled extracts of the evidence, and circulated throughout the kingdom with malicious industry, the House is to pay the deference of submitting its own judgment, exercised on its own views of the subject, against such a principle, I must enter my strongest protest. We must hope that what we do will be duly appreciated by those from whom we legislate, that the enlightened understanding of the people at large, will give credit to their Representatives for the faithful discharge of the trust reposed in them; and that they will correct any erroneous impressions which the efforts of interested and unprincipled individuals may have endeavoured to produce. If these be not the sentiments by which the House will govern themselves, I say that our character is lost—I say that we had better at once surrender ourselves and our country to the fury of a wild democracy—I am firmly confident that the House will take the part which becomes their dignity, that they will put out of their consideration every impression but that which they may have received from the evidence on the table, that they will come to a decision unmolested by any of those partialities, the tendency of which is so dangerous, and to which I have before alluded. I feel confident that the House will to their duty, by representing to the Throne the innocence of his Royal Highness, as far as his character has been submitted to our investigation. In common with every man, I entertain a high respect for public opinion; I trust I do not arrogate too much to myself when I assert, that the interest which I have in preserving public opinion, is not less than that of the Honourable Gentleman, and that in the whole progress of this inquiry, I have evinced the re-

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spect which I feel for it. In many instances, the course expedient to be adopted, has presented an alternative of extremely difficult choice; and in no case more particularly than at the very outset of the business, when the House had to determine, whether the investigation should be public, or referred to a Select Committee. The advice which I then gave, nothing has occurred to make me repent. I do think, that if the Duke of York is to be acquitted, as I confidently trust he will be, of the foul charges preferred against him, that the public mode in which the inquiry has been conducted, will be infinitely more satisfactory to his Royal Highness, the House, and the Country, than if it had proceeded in a more private manner.—That the latter would, in some respects, have been the more advantageous method, I am satisfied; but that the inconveniences and evils would have preponderated, I am completely convinced. Whether, however, that course was the better or not, when once adopted, it was highly desirable that the benefits which it was anticipated the public would derive from it, should not be withheld. I was therefore anxious, that by no exclusion of testimony, any suspicion or jealousy, on the part of the public, should attach to our proceedings. Throughout the whole case, therefore, I have recommended the admission of every description of testimony, and have perhaps in this respect, gone beyond what was my strict line of duty. In the elucidation of the whole business, I have felt as much anxiety as if the character of a brother had been concerned; but in this proposition which I am about to tender to the House, I have been influenced by those considerations alone, which would have influenced me in the case of an entire stranger. I have done that which I thought public justice, and public policy demanded of me. It is for the House to determine on the question before them. For myself, and for the judgment which the country may pronounce on my conduct, I repeat that I am perfectly easy. As far as I am concerned, I assure the Honourable Gentleman opposite, that although my constituents are as popular in their sentiments as those of any Member in the House, I have not the least apprehension, that when the course which I have pursued is explained to them, I shall forfeit that confidence which for so many years it has been my good fortune to enjoy.” The Right Honourable Gentleman concluded a most eloquent and impressive speech, by moving an amendment to the motion of Mr. Wardle. See page 459.

Mr. BRAGGE BATHURST disapproved of the Address proposed by the Honourable Mover who opened the debate, and also of the course recommended by his Right Honourable Friend, who had just sat down. With the principle of his Resolution, so far as related to an acquittal from the charge of personal corruption, he perfectly concurred. But he would prefer a more comprehensive resolution, which should at once embrace all the points of the case,

case, for there were other charges as well as that of personal corruption respecting military matters upon which the House ought to pronounce an opinion. To the course of his Right Hon. Friend he objected, because he did not propose to do enough in the first instance, and yet when that was done, what he proposed to do afterwards, appeared to be from its tone and manner quite superfluous, and something more, if the resolution were carried there could be no necessity for the Address. For, unless it was intended to ask the king to do something—unless it was to lead some practical result, it was neither usual nor parliamentary to address his Majesty. Of the peculiar importance of the question under consideration he was fully aware, from the connection of the accused with our Sovereign, and also from other causes, and the connexion he had the honour to have had with the illustrious person under consideration, he must feel the duty he had to perform of a very painful nature, but still he should perform it.

Disapproving of the course recommended on both sides of the House, he still wished that a decisive judgment should be pronounced with regard to the Commander in Chief, who under all the circumstances disclosed in the evidence appeared unfit to retain his office. He would therefore propose that the House should come to a resolution so clearly and decidedly intimating its opinion upon this occasion, that his Royal Highness himself should feel the propriety of resigning, rather than that the parental feelings of his Majesty should be disturbed, by presenting him an address for the removal of his own son. Every part of the case which disclosed any blame attributable to the Duke of York, might and ought to form a part of this resolution. He repeated that he acquitted the Duke of York of any personal corruption; but there were other parts of his conduct which called for reprehension, and which justified the resolution he meant to submit. Something more in the way of censure than his Right Hon. Friend professed, was essentially necessary, if it were only as an admonition and example to other princes. But something more was due to public morality.

Of the whole of the latter part of his Right Honourable Friend's Address he disapproved, because it appeared to be grounded solely upon a letter lately received by that House, of which he disapproved also. What was it because the Duke of York thought proper in that letter to express his regret that his conduct had been subject to animadversion, &c. that the House express a "confident expectation," as his Honourable Friend's Address stated it, that no such a woman as Mrs. Clarke should ever again have access to him, or be allowed to influence his mind upon the subject of military promotions; nay, more, that the House should put his Royal Highness in competition with his illustrious father?

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With respect to the character of the witnesses that had been brought forward, he contended, that however suspicious that character, however they might be justly accused of being at least accomplices in the crime which they professed to expose, yet when their testimony was corroborated by indisputable documents, it ought unquestionably to have its due weight. It was evident, from the depositions, that Mrs Clarke did apply to the Duke of York upon the subject of military promotions; and that, instead of being repelled, or receiving a warning not to meddle in such business, she was most graciously attended to, and although such evidence did not implicate the Duke of York in personal corruption, did not any encouragement of such interference, on the part of such a woman, tend to corruption? indeed the corruption had been indisputably proved; and the interference with the management was manifest from the letter alluding to Clavering. For although his Right Honourable Friend had endeavoured in his able and ingenious speech, to impress the house with the opinion that the words of the Duke's letter to Mrs. Clarke, referring to Clavering, might be, or was merely an answer on the part of his Royal Highness to an application for information with regard to the reported design of raising a new regiment, but by no means involving any interference or request upon the subject of military promotion, was it possible that his Right Honourable Friend, had before he attempted to induce such an opinion, read the whole of the letter alluded to? What were the words which followed those quoted by his Right Honourable Friend? He confined his attention to this sentence—"Clavering is mistaken in thinking that any new regiments are to be raised; it is not intended, only second battalions to the existing corps." But what immediately follows?—"You had better therefore tell him so—and that *you were sure there would be no use in applying for him*"—Could any one mistake the meaning of this sentence; and after reading it, could any one seriously assert that Mrs Clarke did not interfere and exercise influence with the Duke of York upon the subject of military promotions? This letter rendered the thing quite glaring, and how was the army to feel—how was its interest and consequence consulted, when a general officer found it expedient to apply to such a woman for a military object? When such an officer had done so, was it not fair to infer that others had—nay was it not in proof before the house? These were the reasons which determined his mind upon the subject, and on that determination he would act.

The honourable gentleman then proceeded to comment on that part of the evidence that went, in his opinion, to prove the existence of an undue influence upon the Duke of York, with respect to military promotion. He dwelt upon the case of General Clavering, and asked, what was the reason that induced a gentleman

gentleman of his situation and professional rank to apply to Mrs Clarke, for the purpose of furthering his advancement? How came he to believe that Mrs Clarke had that influence? Another proof of that influence, or what was almost as bad, a general belief that such an influence did exist, was the circumstance of Dr O'Meara's waiting on Mrs Clarke. He would also consider, that if it had been proved that his Royal Highness used his influence to get situations in other departments of the state for persons thus recommended from corrupt views, such conduct would be nearly as censurable, as if he had improperly disposed of the places which were in his own department. As for the letters which Dr O'Meara might have had from the Archbishop of Tuam, or other persons in Ireland, it certainly was not those letters which introduced him to the Duke of York. The introduction which he did receive was one which would rather be supposed to contaminate him as a clergyman, bearing his letter of introduction from Mrs Clarke. He next adverted to Tonyn's case, which he thought proved the influence, and here he took occasion to express his conviction that the note so disputed, was in the hand-writing of the Duke of York. The name of Major Tonyn had not been correctly spelt, it was spelt with an *z* in Mrs Clarke's notes, even down to the period at which he was gazetted. He vindicated Mrs Taylor's evidence and dwelt on that part that proved a direct understanding on the part of the Duke of the interference of Mrs Clarke. The credibility of this witness he did not think had been overthrown by the witness that had been produced. Her connection with such a woman as Mrs Clarke did not go to destroy her credibility. As to Carter's case he did not think it a strong one, nor that much if any blame was imputable for that promotion. It appeared, however, evidently that this promotion took place through the application of Mrs Clarke, and such interferences have been, and must be prejudicial to the public service.

He then concluded with stating, that he did not think the resolutions of the Right Honourable the Chancellor of the Exchequer went far enough as to the animadversions with which it became that House to mark and censure the connection itself, as well as the undue influence to which it gave rise. With the leave of the House, he would submit, merely for their consideration, the resolution that he thought might tend best to promote the object he had in view, and which was not answered by the resolution of the Chancellor of the Exchequer. He then read a resolution, which he suggested might be substituted in the place of the last of those proposed by the Chancellor of Exchequer. it was in substance,

" That the House of Commons had observed with extreme regret, that H. R. H. the Commander in Chief had unfortunately formed a connection of an immoral and improper sort, that it appears that a certain degree of interference in military promotions had been admitted, which had eventually

“ eventually given rise to transactions the most criminal and mischievous,
 “ and by that means given a colour to charges of the most serious nature
 “ against his Royal Highness the Commander in Chief.”

Mr. WHITBREAD was exceedingly glad that the Right Honourable Gentleman, who had just interposed between him and the Speaker* had done so—glad that the House had the advantage of hearing him, for he gave the House a judicious and incontrovertible statement, a convincing and irrefragable argument—such, that no man in the House could dissent from his position. He was glad to have given way to that Right Honourable Gentleman, because he had amply rewarded the House for the attention it bestowed on his arguments. If it were not for this circumstance, he should have wished to have followed the Right Honourable Gentleman† on the other side of the House. He really thought that that Right Honourable Gentleman had on this occasion surpassed himself; and it would appear most evident that if the Duke of York should finally receive any censure from that House, it would not be for want of having a most able and eloquent advocate. He was disposed not only to give credit to the Right Honourable Gentleman for great ability in the conduct of the defence of his Royal Highness, but he was also disposed to give him credit for being actuated by motives perfectly conscientious. He could not, however, avoid saying, that in one of the best speeches which he had ever heard from any living Member, there were, however, some passages which he regretted. There were some expressions directed the Honourable Mover and his friends, who were supposed to have against advised him, that although he felt himself called to reply to, he should so far chastise his feelings as to answer without any asperity, and to beware of any thing that might be in any degree offensive. The Right Honourable Gentleman began and ended his speech by an attack on his Honourable Friend (Col. Wardle). In the conclusion of the eloquent speech he had this day delivered, he commented severely on the expression of his Honourable Friend, “ that the country would decide upon the charges, and upon him, and that they would also decide upon the conduct of that House.” For his part, he could see nothing unconstitutional in the expression of his Honourable Friend, or in the appeal in the sense he meant it. He certainly did not mean to imply, that the House were to be intimidated in the exercise of its functions; but he did think that it was proper in his Honourable Friend to call the attention of the House, in the most pointed manner, to the importance of the duties they were to perform, and to tell them that the eyes of their country, and he might have said the eyes of Europe, were upon them. It appeared to him, that this language was perfectly constitutional and proper; and it appeared most extraordinary that

* Mr. Bathurst.

† The Chancellor of the Exchequer.

the objection should come from the quarter it did, when it was understood that the first act of that Right Honourable Gentleman's administration was what he called an appeal from the sense of Parliament to the sense of the people—(*Hear ! hear !*) It did not then appear to that Right Honourable Gentleman to be unconstitutional to speak of the sense of the country as a thing distinct from the sense of that House.

But this came with an ill-grace from the Right Honourable Gentleman, the more particularly when it was followed with another assertion, that there had gone forward to the public garbled extracts and misrepresentations of what had been proved before the House of Commons upon this subject, for the Right Honourable Gentleman complaining that there was a libel published upon the subject now before us, is by no means to be considered as a subject of complaint peculiar to that side of the House. Nor was the Right Honourable Gentleman without his remedy against such evils; for if there were any libellous publications upon this subject, the Attorney-General had proved he was not slow in discovering such blemishes, and if there were such publications, it was singular they should have escaped the notice of that Learned Gentleman. He admitted, however, that there might be, and he believed there were, some publications of a libellous nature upon this subject. He was conscious that there was a great deal of misrepresentation at least, but justice demanded that he should say, that the misrepresentations and libellous publications were full as gross on the side which the Right Honourable Gentleman supported, as upon that which he opposed.—The truth was, he believed, that the libels and misrepresentations were as gross upon the one side as they were upon the other. (*Hear ! hear !*)

The Right Honourable Gentleman seemed to hold it over the House *in terrrorem*, that if the Duke were removed from the command of the army, no one could be found fit to be entrusted with it. This threat, however, gave him no alarm, for, so far from thinking that it was absolutely necessary to have a Personage of that illustrious birth at the head of the army, he considered that *cæteris paribus*, it would be better to have a person less illustrious by birth in that situation. That he had done much for the army during sixteen years in which he had the administration of it—was granted. That he had introduced regulations beneficial to the service, advantageous to the soldier, and agreeable to the interests of the country, was granted. However Gentlemen might sometimes say in that House “let us deal with the Duke of York as with any other individual,” it was perfectly well understood, that it was utterly impossible to treat the Duke of York in the same manner as an individual of less illustrious birth would be treated. Would it be said, that if such a mass of evidence had come out respecting the conduct of any private individual in that situation, that he could be permitted any longer to retain the command

command of the army? (*Hear! hear!*) If it was most notorious that any individual not of the Royal Family would be displaced from his command on such things appearing against him, it was absolute nonsense to say, "let us deal with the Duke of York as with any other individual in the empire placed in the same situation."

He was not inclined to take up the cause on moral considerations, and to urge the condemnation of his actions in that sense, but when he reflected, that from these immoralities it was that Governments were shaken and thrones overturned, he could not but pause on what was before him, and conclude that if any other person in his situation had been exposed to have so much disclosed against them as the Duke of York, he would have been no longer Commander in Chief. It was not, however, his wish, to catch at every thing as a ground for his removal, unless the matter in proof was sufficient to induce the House to think that step necessary.

An Honourable and Learned Gentleman (Mr Burton) had said, that when he began to enter into the consideration of the case, if he had any bias on his mind, it was rather against his Royal Highness. For his part, he really did not feel at first any prejudice in favour of the accusation, but he at the same time felt great admiration of the honesty, the courage, the abilities, and the firmness of his Honourable Friend (Colonel WARDLE). The Right Honourable Gentleman (the CHANCELLOR of the EXCHEQUER) had, in condemning the Address moved by his Honourable Friend, said that he was certain it did not emanate from his own mind, but that he had submitted it to the consideration of men of *cooler heads* by whom he was influenced. Now if this expression was to be taken literally, it would rather appear as a compliment to those *cooler heads* which were alluded to, and it would appear that if there were any thing of intemperance in the mind of his Honourable Friend, he could not have done any thing better than to have submitted his proposition to the judgment of men of cooler heads. If the expression, however, was not intended to convey that meaning—i.e., on the contrary, it was meant to be insinuated that his Honourable Friend had lent himself to designing men, and had become their instrument—and if the allusion was to any of his friends in that House, then he was sure that the charge was utterly false and groundless.

It had been more than insinuated, that he had secretly advised his Honourable Friend as to the course which he should pursue upon this occasion, as if he had conspired with his Honourable Friend to persist in the examination of this subject. He begged leave to refer to the origin of this proceeding, not with a view of expressing any resentment at the insinuation, however unworthy, which had been thrown out against himself, but merely that his Honourable Friend should stand on true grounds, and that he might not be involved in any suspicion which ought not to attach

to the character of a Member of Parliament —It had been insinuated, that his Honourable Friend had advisers upon this subject who did not appear upon the public discussion of it. And it had been once said that they were persons who dare not come forward. He did not advert to this insinuation with any anger, but merely for the purpose of explaining them in behalf of his Honourable Friend. But it had been thrown out, and seemingly with a view of inducing the House to form an unfavourable opinion of his Honourable Friend, for it was after one of the charges which was supposed to have entirely failed—he did not say now whether that charge was proved or not—it was upon that occasion said, that some persons were behind the curtain whose names could not be avowed, and protesting against the regularity of such an insinuation, and feeling indignant at the moment, as conscious that no Member has a right to call another Member to know who it was advised him, but the truth was, that he was was not the adviser of his Honourable Friend upon this occasion. It was far otherwise. Although he had the pleasure of knowing his Honourable Friend for twenty years, he had not for the last two years any conversation whatever with him, except once, in a company at dinner, when his Honourable Friend told him he had these Charges. He stated to him the evidence on which they were to be supported. Upon which occasion he said to his Honourable Friend, that it was incredible to him that such charges could be substantiated. he reminded him also of all the heart-burnings which the opening of such a charge would necessarily produce; and that in the event of a failure, the inconveniences which it would produce would be incalculable. He reminded his Honourable Friend of what broils and troubles he would bring upon himself by such an accusation and of the disgrace which must necessarily follow if the charges were not substantiated by proof. His Honourable Friend, however, said that he was determined to proceed, to which he (Mr. Whitbread) answered, “if you are determined on that course I will be in my place in the House of Commons, and if you move for an inquiry into those Charges, I will vote for a Committee for that Inquiry, and I do not think that any Member of Parliament can refuse to grant you that inquiry.”—This is the whole of the history of the proceedings which I have had with my Honourable Friend, except one other conversation in the street. As to the manner in which he conducted himself upon this occasion afterwards, the whole House were witnesses of it —(*Hear ! hear ! hear !*)—I understand that my Honourable Friend, during my absence last night, was so good as to use some kind expressions towards me. I have done no more towards him than I feel myself bound to do towards any other Member of this House. He said that he did not mean any thing unhandsome towards the Gentleman on the other side of the House, for while it was his object to seek out justice, so he believed it was the object of those who were opposite to him, although they might

might differ as to the means by which that justice was to be administered, and it did appear to him, for various reasons, that his Honourable Friend did require some assistance in the course of this proceeding. Now, it was said by some persons that his Honourable Friend flew off, flinched, did not dare to take the judgment of the House on the guilt or innocence of the Commander in Chief—How so? Had he not said, and had he not shewn, that the Duke of York knew of these transactions, such as they were? Had he not, in the Address which he proposed to the House, in terms of temperance, such as ought to be submitted to the Throne, brought forward such matter concerning the Commander in Chief, as should be stated to a Sovereign and a Father? Why, if his Honourable Friend had proposed a different Resolution, he would have been told, and that too by the very persons who now complain of this Resolution, how indecorous it was to approach the Throne—how cruel to hurt the feelings of a father by any harshness of expression, denoting decisively the guilt of his Royal Highness, and he would have been asked, why he did not adopt a milder way? He had no hesitation in saying, that he thought the present Address the most decorous, and at the same time most determined language which the House of Commons, could carry to the Throne. He would go further, and say, that the opinion of his Honourable Friend did not differ from his own. It was his opinion, and he now declared it, as a Member of Parliament, after looking attentively at the evidence, that it was impossible but that the Duke of York should have known of these corruptions, and corrupt practices of Mrs. Clarke — (*Hear! hear!*) — He was not unimpressed with the sanctity, as it were, of this question. It was much to be deplored, that this Inquiry had been set on foot, much evil resulted from it for the present, but how was that to be averted — The House of Commons had instituted this Inquiry, and must now go through its duty. If he thought the Duke of York innocent, he should say so in explicit terms, and that would give him pleasure, but feeling that the Duke of York was to a degree guilty, he wished to convey an expression of that guilt to the Throne in terms as mild as possible. But the Right Honourable Gentleman had stated, as an objection to this procedure against the Duke of York, that he may one day, in given events, ascend the Throne of these Realms, now, this to him was rather an inducement than a dissuasive for proceeding to censure him for misconduct, for it would shew to his Royal Highness that he must pave the way with justice, in order to ascend the Throne, that there is no other way to the Throne, and it was to be observed that very many great men—great by their misfortunes and disgraces—had risen from disgrace, although much more often from their own purity and virtue. And here, for the sake of the feelings of the King, he would not attempt to express his own, but in terms which became the subject. But as the Right Honourable

Gentleman had put it, he would ask, whether it was possible to pass over that which had been stated upon this subject, he would not say with dexterity, but certainly with boldness, that there was no guilt proved to attach to the Duke of York, but that there had been exerted some influence over him, for the Right Honourable Gentleman thought that guilt not proved, but that shameful influence was proved as exercised over the mind of his Royal Highness, and the Right Honourable Gentleman, very properly, moved this Resolution, the nature of which he must explain. It was not for the sake of getting a few votes, that he observed on the fallacy of the arguments of the Chancellor of the Exchequer, but for the purpose of elucidating the subject, and the Chancellor of the Exchequer was not so little skilled in Parliamentary proceedings as not to know, that it is easy to move an address without those words, omitting every thing about corruption but those who thought that knowledge of corruption was proved, would not be entrapped into a vote, such as that which was now before the House.

An Honourable and Learned Gentleman (Mr. Burton) had said, that such evidence would not be received in Courts of Justice. It, however, that Honourable and Learned Gentleman (who was a Judge) charged Juries in that manner, the greatest crimes would often pass unpunished. Murders would generally escape detection, if such sort of evidence as has been produced in this case was declared inadmissible in a Court of Justice. It was known such evidence was received in cases of life and death, and that many had suffered death on slighter proof. The Honourable and Learned Gentleman (Mr. Burton) had described himself as being very near the grave; any other Gentleman in the House might be as near the grave as that Honourable Gentleman, and therefore the solemnity of those kind of appeals went for nothing. If the mind was not thoroughly impressed with the idea, there was no pomp of language which could give any weight to such an appeal.

The Right Honourable and the Honourable Gentleman on the other side of the House first laboured to disqualify the witnesses in mass, and secondly, to disqualify by classes, and by their connections. If, however, evidence of this nature were not to be admitted, where was evidence to be sought for to prove any indirect and corrupt practices? Was it in the office of the Commander in Chief, and to Colonel Gordon that application was to be made? No, if corruption is to be traced, it is necessary to examine some of those who have been the instruments of this corruption. If the Right Honourable Gentleman wished to disqualify as witnesses all females that were acquainted with Miss Clarke, what should be said of the testimony of the Captains, Generals, and others, who were also acquainted with her, and who sought that acquaintance from corrupt motives? It was hard and unjust to deny all credibility to any female who should be unfortunate in one respect. Miseries and sufferings more than enough were felt by those un-

happy

happy females; and God knows, that if their story were fairly told, there were but few of them who had not most serious complaints to make of our sex—few of them who had not been originally deceived by falsehoods and perjury of the blackest kind from men. (*Hear! Hear!*) And yet *men* were their accusers, and loaded with every reproach those who might have passed their lives in happiness and honour, if they had not been betrayed by their falsehood. This reminded him of the story of the Lion, that observing the many pictures in which Lions were conquered by men, exclaimed, “O, if Lions could paint, the story would be different.” The same observation might apply to many of those unfortunate females if they were to tell their story, they might complain more of the falsehoods of men than we could do of them, and yet now it was argued that the evidence of a woman should weigh for nothing, because she had lived in a state of adultery. Such a rule was never heard of in the courts of criminal justice or of common law. We heard every where, and particularly at the outports, of men condemned to death, on the evidence of women of the most abandoned characters, as far as female chastity was concerned. It was known, that in our superior courts of law, upon the evidence of a woman, whom from motives of delicacy he should not name, a will had been proved, by which a considerable property had been determined.

It had been said, that *Mis. Clarke* had been actuated by the most deliberate and determined vengeance. When the word vengeance was mentioned, it was natural to think a little about prevarication, and in this respect he must perfectly agree with the sentiment that the Right Hon. Gentleman (the Chancellor of the Exchequer) appeared to entertain, that his Royal Highness, with respect to his pecuniary transactions and arrangements with *Mis. Clarke*, had conducted himself in a way which was by no means creditable to him. (*Hear! Hear!*) The separation was said to have been in consequence of impropriety in *Mis. Clarke's* conduct, and the annuity was to be given as long as her conduct should be *correct*; and yet those who were best informed upon the subject could not point out to the House a single instance of this impropriety or incorrectness which produced the separation, or which was to account for the promised annuity not being paid. The claim, which it was said that *Mis. Clarke* made, was merely a solicitation that she should be paid what she had been promised, and the threat, as it was called, was mentioning to *Mr. Adam* in a letter, that if she had no other resource, and was driven to it, she would publish the Duke's letters. It did appear to him, that the usage *Mis. Clarke* had received, was such, that it was almost impossible for her to avoid mentioning it to her friends, and they would naturally ask her if she had any letters of his Royal Highness. The story would necessarily get abroad, and somebody would either offer her money

money for the letters, or else suggest to her that she could get one or two thousand pounds from a bookseller for publishing them. It was impossible that she should not have been told, or that she should not conceive, that if she chose to publish those letters, she would get some money for them for booksellers. It was therefore very natural for her to mention to Mr. Adam, that if she was left no other resource, she must publish those letters. As for this deliberate plan of vengeance, which she was supposed to have been long meditating, it certainly did not appear, that when she was at Hampstead, and destroyed, and gave to be destroyed, an immense number of important letters, that she could be meditating vengeance. If she had been planning any scheme of vengeance at that time, she would have kept all those letters. As to the general character of Mrs. Clarke's testimony, she certainly did shew dexterity, vivacity, levity, effrontery, and even impudence, but he could not agree with the Right Honourable Gentleman (the Chancellor of the Exchequer), that her dexterity was or could be such as to get rid of all the important questions which were put to her. She was examined for many hours, until she had nearly fainted, by the Right Honourable Gentleman, who had himself been the late Attorney General, and also by the present Attorney General. There was also a corps of reserve of the Solicitor General and other Lawgivers, to try all their powers of cross-examination. As to the levity of her manner of answering, great indulgence was due to a woman who found most of the Members well disposed to laugh at all her sallies, if she was encouraged by that conduct to carry that mode of answering to an improper pitch. But what was really produced by the cross-examination of so many able and experienced lawyers? It only produced a number of stories, and exposed a number of names that would never have otherwise come to light, and in all of these it had been found impossible to contradict her examination by so many able and experienced lawyers in any essential point.

On the first examination of Mrs. Clarke, she mentioned nothing about those letters of the Duke of York, and did not shew the least intention of producing them. She was in a manner compelled to produce them, by General Clavering choosing to come down to the House for the purpose of impeaching her testimony. The evidence of General Clavering would have borne down Mrs. Clarke, if she had not produced the letter of the Duke, mentioning the name of Clavering, and proving that he did apply to her about military promotion. Afterwards by accident the letters of Clavering, which were discovered at Hampstead, completely overturned the testimony of General Clavering, and left him as black as Erebus. It was equally necessary for her to produce the second letter. She had been asked, in the course of the cross-examination, whether she had been ever applied to for promotions in the Church,

Church, and she mentioned in answer that Dr. O'Meara, who wanted to be made a Bishop, had applied to her. This answer occasioned universal laughter in the House. No one believed for a moment a story that seemed so absurd and preposterous. Gentlemen seemed astonished at the audacity of the witness in inventing (as they supposed) such improbable falsehoods. It then became necessary to shew that she had told the truth, and the Duke's letter about Dr. O'Meara was also produced. There did not appear any thing of deliberate vengeance in this conduct of Mrs. Clarke. She exposed no letters but what were absolutely necessary to support her testimony, and if she had mentioned a number of names and circumstances not immediately bearing upon the question for which she was called as a witness, it was because those answers were extorted from her in the cross examination. He really thought that the Attorney General had not bettered his case at all by his long cross-examination of Mrs. Clarke. He would not go into an examination of the other letters. What, he would ask, could send Dr. O'Meara to Mrs. Clarke, but the supposition that she possessed all the influence over the Duke of York that was generally attributed to her? Would any man have believed such a circumstance, if this letter had not been produced? What could have sent the Protestant hierarchy of Ireland, having a recommendation from the Archbishop of Tuam, but the persuasion that she could effect all that her agents asserted?

A Learned Gentleman stated, that he had a list of twenty eight instances in which Mrs. Clarke's testimony was contradicted. One of these related to her declaration that she had never represented herself as a widow. By whom was her evidence impeached? Why, by Mr. Nicholls, in his opinion, a most impracticable evidence himself, for it must be in the recollection of the House, that this most *worthy* evidence came into possession of a number of most important documents, for such they turned out to be, belonging to Mrs. Clarke, and that he, dishonestly, or at least illegally, withheld them. They might be papers affecting her life, and yet he would not suffer her to peruse them. The Right Honourable Member had spoken much of Mrs. Clarke's dexterity, but what dexterity could have enabled her to produce such incontrovertible proof of all she had stated respecting General Claverings application to her? Did she know, at the time she first mentioned him at the Bar, that this letter was in existence. Dexterity! one ounce of nature was worth five thousand weight of dexterity. He had often seen rude nature bring an evidence through, but he never saw that effected by what was called dexterity. Of this nature Mrs. Clarke disclosed a genuine and fine trait. When Claverings's letter was produced to her at the Bar, a smile of joy beamed upon her countenance. She saw with a glance that every thing she asserted respecting this man was confirmed, and that in one point, at least, her truth was unquestionable.

ble. But it was said that she represented herself as Dowler's wife, and that he acquiesced in the imposture. Good God! was she ~~but~~ on this account to be deprived of all pretensions to veracity? Let them recollect their youthful days. Let them lay their hands on their hearts, and say whether they have not sometimes made a wife of some one that was no wife at all. Nicholls was the chief evidence to this fact, and yet upon a pinching question being put to him, what kind of exhibition did he make? He was asked whether he ever sued Dowler for the debt contracted by Mrs. Clarke. What was his answer? Never. This shewed that no imposition had been practised on him, and that if even Mrs. Clarke represented herself as the wife of Dowler, that he did not believe her assertion. As to the other witnesses that were produced in corroboration of Nicholls's evidence, Reid, the master of the hotel, the waiter, and the porter, and the incidents of carrying the wine to this and that place, they made for nothing. They did not prove that Mrs. Clarke ever really represented herself as the wife of Mr. Dowler. If, instead of being such a case as it was, this were a case affecting life and death, so help him God it would not affect him. Another evidence was brought to support that of the four evidences he mentioned. It was that of Mr. Few, the auctioneer. Now what did he prove? Why nothing more than this; that in a conversation with her, she talked of her *late* husband that he perceived one morning a cocked hat in the window, and that he was told by the maid that her mistress was a gay widow, and that she had been at the Masquerade the night before. And was such a flimsy circumstances as this to shake the whole evidence she had given at the Bar of that House? It also appeared that on a Court Martial she had been described as a widow, but there was no proof that she was ever examined to this point. This was the only case upon which the Learned and Respectable Member made any observations; the remainder of the twenty-eight contradictions continued untold. He lamented extremely, that the Learned Member (Mr. Burton) had not an opportunity of seeing the persons who gave their evidence at the Bar. If that advantage were within his reach, he was persuaded their testimony would have made a different impression on him. Much depended on the manner of giving their testimony, and on the persons by whom the questions were put. It would frequently happen that evidences might be provoked to say many things that were highly improper. This he would admit Mrs. Clarke had often done, but her veracity was not to be wholly shaken on that account. This observation applied especially to the testimony of Mr. Stower, who had been brought forward to prove that Mrs. Clarke's husband was a stone mason. The Right Honourable Gentleman, in the course of his admirable speech, had touched on many cases, in most of which Mrs. Clarke was triumphantly set up by other evidences, and in none more than in that of General Clavering. But it was
said,

said, that her evidence was contradicted by Mr. R Knight. He had the honour of being long acquainted with this Gentleman, and entertained a great respect for him, but he could not help thinking that in some instances he had been led into an over-statement of the case. When Dr. Thynne was asked whether he understood from Mrs Clarke that he was to keep the transaction a secret from the Duke of York; he replied, that "that was a matter of surmise." Mr R Knight stated that Mrs Clarke told him she would expose the Duke of York but was there any evidence to shew that she meant by this threat that she intended to expose him at the Bar of that House, or was it not rather such an exposure as that threatened in her letter to his Honourable Friend (Mr Adam)? That this was the impression at the time upon Mr. Knight's mind was evident from this, that according to his own statement, he requested, "if she was going to publish her memoirs, he hoped she would spare his brother." Mr. Knight had stated, that she requested of him that the business should be kept secret from the Duke of York, and every one must believe him. He had no doubt that she did make some stipulation of this kind with that gentleman. But was it to be inferred from this, that the Duke of York knew nothing about it? But if, as the Right Honourable Gentleman said, the mill was going every day, is not this a precaution she would naturally have recourse to? If she said, the eyes of Gordon were upon the Duke of York, and the eyes of Greenwood upon her, was it not natural, that she should take every possible precaution, that it should not come round to the Duke of York through a third person, particularly after the injunction he gave her, to take care what hands she got into.

With respect to her connection with Dowler, and to her passing the night with him, was it surprising that she should deny it? Whatever the Right Honourable Gentleman may think of women of her unfortunate class in society, they were not always wholly void of sentiment and delicacy. But was this reservation of hers, a most justifiable one, he would contend, to shake an evidence, which was otherwise unimpeachable? It was there she was said to have hatched the conspiracy with Dowler to overthrow the Duke of York. The occasion, he would admit, was favourable for doing it, but the presumption was from the whole tenor of the evidence, that she had formed no such plan. He had weighed every step she had taken, and where her evidence was unsupported, he did not believe her, but the presumption was excessively strong when it appeared that such influence had been used.

He would examine a little into the grounds of this presumption. Mrs. Clarke, it appeared was acquainted with the Duke of York previous to the Year 1804. At that time she had no expensive establishment. It was not until the expensive establishment began in Gloucester Place that any trace of an application on her part respecting military appointments appeared. He would not assert that this circumstance was conclusive, that it proved
that

that the Duke of York was acquainted with the means to which he was under the necessity of recurring to support that establishment, but he could not help considering it as a most extraordinary coincidence, and one which lent great weight to the presumption, for though Gordon had his eyes on the Duke of York, and those of Greenwood were on Mis Clarke, still the business must go forward. People might apply to Mis Clarke, and these applications might be submitted by her at a convenient opportunity to his Royal Highness. It was also possible that the business might have gone on in the regular way, that her recommendations may not have been attended to, and that the Duke, with a perfect consciousness that her interference had no effect, might, on his return from the Horse Guards, to please her, to flatter her vanity, say this was done through your influence. But it seemed it was miraculous, that in ten thousand instances of promotion only these few should have occurred, in which there was a deviation from the fair and honourable course. Was it not, he would ask, more miraculous, that the son of a King, possessing immense patronage, scattering benefits around him, able, as it appeared, to secure the adherence of a party in that House, should be called upon to answer for his conduct? Was it not surprising that his Honourable Friend should have the courage to stand up as his accuser in that House, to bring forward these *scintilla* of evidence, as they at first appeared against him? When an unhappy creature was brought up for trial in the criminal courts, it was a common excuse to say, "I his is my first offence, I was never convicted before;" but this was not admitted as an excuse. A Learned Gentleman had expressed his astonishment that the Duke of York should have so committed himself. He was equally astonished, but there was the damning proof that he had so committed himself. It was not in evidence that he was particularly acquainted with the two thousand five hundred pounds Mis Clarke appears to have received, but the House must agree that he had a general knowledge of the corruption. Notwithstanding the advantages that this inquiry must produce to the country, he could not help feeling for the Duke of York. It was to be regretted that he had not adhered to his agreement with Mis Clarke, that he did not pay her the annuity which he promised when he discarded her. Why, for a paltry five hundred pounds suffer such letters, such trash as had been read in evidence, to be brought forward? Why not purchase these follies by the punctual discharge of the engagement to which he was pledged? Why allow a volume of nonsensical letters to be sent into the world, which he must wish, for all the world, to get back again?

The Right Honourable Gentleman seemed to place great reliance on the statement which he had delivered in respecting the expences of the establishment at Gloucester Place. But what did this amount to? The account was confirmed by Mis Clarke, and her

her statement agreed with that furnished by the Duke to within five hundred pounds, a small fraction, as she would state it. It was said that the Duke was careless about money, and to prove this, a Learned Gentleman related an anecdote that he heard from the Preceptors of the two Royal brothers for years ago. They said that they found it impossible to instil into the minds of the young Princes proper ideas of the value of money. This was a subject on which it was not very surprising, that, even with the assistance of the Archbishop of York and others, they should not imbibe very accurate notions. But, however adverse the Duke of York might have been in his infancy to the acquisition of this species of knowledge, it was of imperious necessity that he should have since obtained it. He was at the head of a great establishment, through which, though not a great deal, some money must pass. But when his Royal Highness saw, from day to day, the most sumptuous and expensive dinners served—when he saw those elegant carriages drawn forth, in which he sometimes condescended to ride—when he viewed the profusion that prevailed in every part of the establishment in Gloucester Place—and when he considered that he only contributed so much to the support of this luxury and extravagance, it was impossible that he must not have known that they were supported from other channels than those that flowed from him. It was indeed said, that Mrs Clarke had frequently received sums which she applied to take her diamonds, those dearest objects of female vanity, out of pawn. It was very probable she did. Where such boundless profusion and inconsiderate extravagance prevailed, it was natural that considerable distress should follow. But for what purposes were those trinkets pledged? Were they not to support the establishment? Had the applications from Mrs Clarke to the Duke of York been made in favour of persons who were mostly known to her, the practice would admit of some excuse. For example, “Do give a commission to Thompson, he is my brother.” It is quite natural that she should do so, the application would be perfectly excuseable. “Well, well, don't tease me, it shall be done, but let the application be made in the regular way.” There would have been nothing improper even in this. Any man, in the Duke of York's situation, could hardly have refused acceding to such a request. But what would the House say, when they found an Irish Clergyman step forward? What should have been the answer of the Duke of York, when he received an application in favour of such a man? Should it have been, “If this man, this Dr O'Meara, is an acquaintance of yours, he is not fit to be a Member of the Church, he is a disgrace to his sacred profession, I will not interfere for him.” But there was something in the nature of the promise that was made to further his view of gratifying his ambition of “preaching before Royalty,” that must induce a suspicion, that something was given for the introduction. The same arguments would apply to the cases of French and Sandon,

don, Elderton and Clavering. The applications in all these instances were first made to Mrs. Clarke.

With respect to the case of Samuel Carter, he regretted that his Honourable Friend had brought it forward. It turned out that he proved a most meritorious officer. He should exceedingly lament—it would grieve him to the very heart, if any scandal should attach to this youth, in consequence of the manner in which he obtained his commission. For himself, he was not one of those who could boast of a long line of ancestry, and these were not times in which the privileges of birth were to supersede the claims of merit and talent where-ever they were to be found. It was one of the proud advantages of our happy form of government, that the road to eminence and honours was open to every one. The House was not ignorant that Bonaparte had made Generals and Statesmen out of the humblest materials. If the Duke of York had discovered any rare merit in Mr. Carter while he was standing behind his chair, or handing his mistress out of her carriage, there was not, he was persuaded, a manly mind in the country which would not rejoice that he had elevated him to that honourable profession, of which, by all accounts, he was likely to prove a distinguished ornament. He hoped that this would be the sentiment of the officers with whom he was now serving, and that no gallant man among them would feel himself (as it was in the course of this inquiry suggested by an Honourable Member at the other side of the House) disgraced by having such an associate joined with him. (*Loud cries of No, No, from all parts of the House*)

He would now advert to the case of the exchange between Colonels Knight and Brooke, in which so much was demonstrated that he could not bring himself to suppose that a doubt could remain on any mind respecting the corrupt nature of the transaction. It was completely proved that Mr. Robert Knight, a person not unacquainted with the ways of the world, had paid two hundred pounds to Mrs. Clarke on account of his brother. There was no doubt of the money having been paid, and that it was paid in consideration of the influence employed by Mrs. Clarke to effect the desired exchange. This was confirmed by the evidence of Dr. Thynne, a most respectable man, and who, from the nature of his profession, which obliged him to go about from family to family, was as likely to hear as much tittle tattle as any body. He was of opinion that this exchange was brought about by the influence of Mrs. Clarke. Mr. Knight, indeed, gave an opposite opinion, and yet he was deluded into a belief that she procured it. The memorandum of Colonel Gordon, “not acceded to,” was to him unintelligible. It appeared to mean that some obstruction had been thrown in the way of the exchange. It was, however, interpreted otherwise, and he would acquiesce in the construction put upon it by that Officer, than whom there could not be a more clear, consistent, or honourable witness. There was another evidence of which

which the Right Honourable Gentleman had fallen foul, he meant Pierson. This man had not, to be sure, any brains to knock out, but the Right Honourable Gentleman endeavoured to extinguish his lights. Dr. Thynne had proved that he gave the names of Knight and Brocke to Mrs. Clarke, on a slip of paper—and it was in the evidence of Mrs. Clarke that she delivered this identical slip of paper to the Duke of York. This agreement is a strong corroboration, and affords ground to believe that his Royal Highness knew the whole nature of the transactions. Further as to the payment, Mr. Knight has not seen whether it was in one or two notes. — Mrs. Clarke thinks she gave it to change to one of his Royal Highness's servants, and here it was strange that more or better recollection should be required from Mrs. Clarke than from Mr. R. Knight. But, whether the payment was made in one note or two notes, or four fifties, from thence to argue that a plot existed against his Royal Highness, was extremely preposterous. Pierson tells us of a note he went to get changed in the morning — The persons in Bond-street where he applied bear testimony to it. Ludowick, his Royal Highness's servant, tells us there was no note changed by him, and here he must admit that he believed Mr. Pierson to be troubled with that ailment he complained of, and that it more or less injures the memory could not be doubted, he himself had experienced the effects of it. But what had fallen from the Right Honourable Gentleman was very strange, he concluded that that man was about to come into the House to say what, if he had said, would have convicted him of perjury. It was certainly out of the common mode of conviction not to convict a man on what he had said, but on what he would have said, had he spoken. He believed that Pierson was a stupid man, but that was no proof of dishonesty. As to what the Right Honourable Gentleman had said of a conspiracy, if there had been one, would Pierson, who had seen Mrs. Clarke that morning, have said the note was a fifty pound one, if she had taught him to say a hundred pounds, he must say from his heart, that there was not the least shadow of the alledged collusion, all circumstances tended completely to explode the reasoning of the Right Honourable Gentleman.

The next case he had to consider, was that of Major Tonyn. It appeared from evidence, that a sum of five hundred pounds was deposited in the hands of Mr. Gilpin, an Army-clothier in the Strand, a most respectable man, and one whom he knew very well. This was done in consequence of the application of Sandon, who was now expiating his offences in Newgate, to Donovan. This was to be the price of Mrs. Clarke's influence—of that influence, which was supposed not to exist—of that influence the existence of which Sandon had the effrontery to say he doubted, though he had paid Mrs. Clarke eight hundred pounds in consideration of it, after his friend French went to Ireland. He well knew, when he had paid this eight hundred pounds that there was to be a *quid pro quo*. Mrs. Clarke's patronage was the

quid He would now say a few words respecting the note about Tonyn, which in his conscience he considered as affording indisputable evidence of the Duke of York acceding to some wish which Mrs. Clarke had communicated to him respecting Tonyn. If this note was swelled into an importance, which neither now nor at any other time he considered as due to it, it arose from the extreme agitation, the extraordinary circumstances, and the something like theatrical effect with which it was brought forward. He had been one of the depositaries of that secret, and he thought that the note was as dead as Homer. The Duke of York solemnly protested that it was a forgery, and when in consequence of the confession of Sandon it was proved to be alive, and was brought forward, he confessed that he did view it with the utmost astonishment. He looked at it again, and again, and again. He collated and compared it with the letters of the Duke, and the result of this operation left not the smallest doubt upon his mind that it was written by the Duke. But when Col. Gordon gave his evidence at the Bar respecting it, he was convinced. This conviction was strengthened by the evidence of General Hope, who said he thought there was a shade of difference, and it was rendered as firm as a rock, by the testimony of his Hon. Friend (Mr. ADAM), who said, that he could perceive no difference. And what were the means by which it was endeavoured to shake this evidence? Why they brought forward Mr. Town, and a parcel of such trash as he had never before heard in his life. It was impossible to conclude but that Sandon received the note from Mrs. Clarke, and that she had no hand or interest whatever in forging it. Had the Honourable Gentleman any doubt of its genuineness? If he had, he must say, that he was not to be convinced by one from the dead. For himself, he had not the smallest doubt of its genuineness, he was as firmly persuaded, as that he stood on the floor, that it was written by the Duke of York, and that it was the answer to some application respecting Tonyn.

The witnesses called from the Bank and Post Office to disprove it, verified it beyond a possibility of doubt, even Mr. Bliss, who had shewn himself the most dubious, confessed that he had no doubt till he had seen the hand-writing of Mrs. Clarke, but that was, in his opinion, so little founded, that he thought the note established in the clearest manner. And what did it prove? No less than Major Tonyn's business was suspended, and for a time stopt in its progress. The Right Hon. Gentleman had said, it dove-tailed no where, but nice as he might be in that particular, it was impossible to cast it out of the case, or expunge it from the evidence in which it made so very prominent a figure. The Right Honourable Gentleman had said, that Mrs. Clarke had influence over his Royal Highness—he might well say so. This note had incontestibly proved it, and yet the Right Honourable Gentleman had triumphantly asked, was it given for favour or corruption? He

(Mr

(Mr. Whitbread) could not say what others thought of it, but for his own part, he should that night prove by his vote what opinion he had formed of it.

The next witness that had been attacked was Miss Taylor. 'The Right Honourable Gentleman had begun by driving away at her (*a laugh*), and, after a long examination, Dederick Shmit was brought to prove that Miss Taylor was unworthy of credit. Upon what ground did he attempt to do this? Because he had known Miss Taylor's father by the name of Chance. Where had he known him by that name? Why at the Stock-Exchange. Who did he ask for when he went to enquire for him there? For Mr. Taylor. Ridiculous! it was known that persons assumed names in their transactions there, which they did not use any where else, such as Hazard, Goodluck, &c, but when they retired to their retreats in the country, they were never known there by those assumed names. Shmit had allowed he had for several years known this young Lady's father by the name of Taylor, but because he had, from some particular fancy, been called Chance, at the Stock Exchange, this was deemed sufficient to work such an extraordinary wonder, as to affect his daughter's evidence, and render it unworthy of belief. It was a most absurd pretence, and all things considered, in the conduct of Dederick Shmit, he was the evidence that ought to be discredited.

Then Miss Taylor was not deserving of credit, because she had kept company with Mrs Clarke—Excellent and just conclusion! What! is no person deserving of credit who has kept company with Mrs Clarke? Are all those, who have been under her roof, to be deemed unworthy of belief? Did the Right Honourable Gentleman recollect, who had been in the habits of visiting there, and of partaking the various hospitalities of her roof? Did he recollect that the Commander in Chief had been there, and frequently in company with this same Miss Taylor? Did he recollect that Dr O'Meara had been there—that his own witness General Clavering had been there—that Baroress Nollekens had been there; and would he pretend to say that their several evidences had been rendered vitiated and unworthy of belief on that account? He thought the Honourable Gentleman must have greatly forgotten himself, when he assigned this as a reason for discrediting the evidence of Miss Taylor. He (Mr. Whitbread), had paid particular attention to Miss Taylor's conduct when she appeared at the Bar, and in his opinion her evidence appeared to be truly innocent and irreproachable. But it seemed Miss Taylor had received the kindness of Mrs Clarke—humane and charitable conclusion! Had not Samuel Carter received the bounty of Mrs. Clarke? Had not Captain Sutton, who was an excellent Officer, but who happened to be unfortunate in his circumstances—had not Captain Sutton eked out the evening of his life under the charitable assistance of Mrs Clarke? and would the Right Honourable Gentleman venture

to say, that if Samuel Carter, of whom he had so lately spoken in such favourable terms, as that he was likely to be a credit to the profession of a soldier, would he venture to say that his evidence should not be deemed worthy of belief? or that if Captain Sutton had, before his death, been called as a witness, he should not have been deemed worthy of belief, because those persons had severally accepted the humane and charitable assistance of Mrs. Clarke? But Miss Taylor, it seemed, had kept a Boarding School, and she might draw them in to send their daughters to her, which would be a heinous offence. Ingenious argument! The Honourable Gentleman's humanity, he had no doubt, would prompt him to subscribe liberally towards raising a Magdalen or an Asylum, for those unfortunate young females, who had already lost their virtue, but it seemed as if he would make no allowance towards assisting a young virtuous woman in earning her livelihood by keeping a Boarding School, because she had sometimes visited Mrs. Clarke, to whom she was related by marriage. Another reason for not believing Miss Taylor was, that she had told a conversation of the Duke of York's, which passed four years ago, with a considerable degree of accuracy, and the Right Honourable Gentleman had found fault with Mrs. Clarke, and deemed her unworthy of credit, because she did not remember a note which passed four years ago. He censured one as undeserving credit, because she could remember so well, and the other equally, because she could not remember at the same distance of time. The Right Honourable Gentleman had brought himself into this dilemma. Now he (Mr. Whitbread) would not go into it at all, for he could very fairly and rationally believe, that one person may easily recollect a particular conversation which passed at a given time, and that the other might not have the slightest remembrance of a similar circumstance, though no longer a period of time had intervened. Mrs. Clarke had observed, that she had been examined by a Crown Lawyer, but if she had heard his arguments, he thought she would have been desirous of choosing her lawyer from the other side of the House.

The next case to which he would advert was that of French's Levy, and from the whole complexion of the evidence on that head, he was convinced the Duke of York knew that Mrs. Clarke was concerned in it. He begged the House would call to mind, that this levy was against the opinion of all the General Officers—General Hewitt most decidedly set his face against it—observe what Lord Cathcart said of it—and nothing could be more decisive of its character than what Colonel Taylor had written about it—and yet, notwithstanding all this opposition—notwithstanding it was well known that French himself was much disliked, and very much out of favour at the Horse Guards, Mrs. Clarke actually procured the letter of service, for which she received five hundred pounds of French, who had left Sandon to pay her eight hundred pounds more,

more, which he did afterwards. The whole levy was to have been for five thousand men, and was to have been raised in six months at thirteen guineas a man, but at the end of that period they had only raised one hundred and forty-six, at the enormous rate of one hundred pounds a man, and then, by way of what the Right Honourable Gentleman called economy, he was allowed to make a trial of a few months more. This was a most profitable job to these men, and remonstrances were made on it. An Honourable Friend of his (Mr. Elliott), had made a motion for the Papers relative to French's levy, which papers were afterwards laid on the Table, and are now there, and this still it was which occasioned General Whitelocke to write to French to bring over the levy, and when they did come over, they were guilty not only of atrocities, but Colonel Robinson had accused them of crimes also. All these proofs with respect to French's levy, had come before the Committee, not from Mrs. Clarke's evidence alone, but from letters which she did not know were in existence. The letters were brought forward suddenly, and shewn to Mrs. Clarke. What was her conduct? She was, on coming to the Bar, asked, "Do you know of any note written by the Duke of York, and given by you to Huxley Sandon?" A No. Q. & you sure of it? A Yes, very sure. Then comes the note. Q. Did you ever see this note before? A Yes, it is his Royal Highness's writing, and therefore it must have been in my possession. Then came on the examination relative to counterfeiting or imitating of hand writing, and though the questions were put with all the ingenuity and acuteness of the Right Honourable and Learned Gentleman who conducted it, the behaviour of Mrs. Clarke, her quick and ready answers, her whole conduct, and the expression of her countenance carried a conviction to his mind that she was innocent of all that was imputed to her. All the letters were unknown to her. She knew nothing of Nicholls not having burnt them. She had had no communication with any of the persons. Nicholls was at Hampstead, French in Jamaica, Sandon just returned from Portugal, yet these letters were brought, and she was desired to prove them without being suffered to read them, which she did, without making the smallest hesitation, though he thought, at the time, it was a measure of severity bordering on injustice, and was afterwards sorry he did not object to it. Miss Taylor's expressions too, were very strong in proof of the Duke's pivity—"Master French must mind what he's about, or I'll cut up him and his levy too. How does he deal with you, darling?"—These were terms which were very likely to pass between them in such a conversation as alluded to, and weighed very strongly with him. It was to be recollected, also, that Sandon said he had always told French he suspected Mrs. Clarke had not the interest she pretended to have; yet he paid her himself, by French's orders, five hundred pounds, and afterwards eight hundred pounds, and, by a strange and accidental

cidental coincidence, it happened that one of these letters mentioned the day when the five hundred pounds was paid, and it appeared by Mis Clarke's evidence, she had, without knowing any thing of this letter, mentioned the very day after as that on which she paid in five hundred pounds to Birkett, the silversmith, in part payment for a service of plate which had been ordered, and for the remainder of which his Royal Highness paid. Mis. Clarke had said, she supposed Birkett's books would shew the exact day, but it seemed they did not, and Mr Dockray could not or would not remember any thing certain on the subject of the day on which it was paid. It seemed very odd that this Gentleman should never have seen the Duke of York more than twice, as he said, when there appeared to be a long account of various articles, in settling which there must have been a variety of payments made by his Royal Highness, who had paid one thousand one hundred pounds for the plate alone, beside the five hundred pounds paid by Mis Clarke on that account.

The article of plate called forcibly to his mind the fate of nations, and shewed how nearly that was associated with the fortune of individuals. This plate had been the property of the Duke de Berri, one of the unfortunate branches of the Royal Family of France, and had been brought by Birkett to Mis Clarke to shew to the Duke of York. When it was recollected in what a meridian blaze of splendour the Duke de Berri had always shone in the magnificent Court of France, in its most prosperous days, it was a melancholy reflection to trace the household plate, with the arms of that illustrious branch of the Royal Family of the Bourbons, to the shop of Mr. Birkett, the pawnbroker. It would almost seem to be a kind of splendid warning of the uncertainty and vicissitude of human affairs, even in the highest sphere of life. It would seem to call forcibly to the recollection, how very suddenly the splendid and ancient monarchy of France, was overthrown, not by systems or theories of philosophers, but by foul and base corruption. Trace the History of France from the luxurious days of the La Vallieres and Montespons, down to those of the Pompadours and Barriés, and you would see the destruction and overthrow of the Monarchy, which drove the illustrious branches of the Bourbon Family into foreign exile, originating in private vice, and finally completed by the deceitful and unbounded extravagance of those entrusted with public confidence and official situation. One cannot help thinking, said the Honourable Gentleman, that the circumstance of the Duke de Berri's plate having been disposed of in this way, and then coming into the possession of the Duke of York, must have occasioned some sensations in the bosom of his Royal Highness which could not fail to rouse his feelings for the fate of that unfortunate Family, and which would cause him inwardly to ejaculate—"I thank God for the warning which this magnificent monument of the instability of greatness holds up to my view, and I will use it as
a beacon

a beacon to guard me against the danger of those rocks on which others, once as great and powerful as I am now, have been so unexpectedly wrecked and ruined."

The next subject he should mention was that of the supposed falsehood of the testimony given by Mr. Dowler, which he would not admit to be the fact. The Chancellor of the Exchequer had said, that he denied having slept with Mrs. Clarke at Reid's Hotel; but the fact was, that he never had been asked the question. Neither was Mr. Dowler's evidence contradicted by that of Alderman Combe. Mr. Combe had stated that he met Mr. Dowler in the street, and asked him whether he had got his appointment through Sir Brook Watson, or Mrs. Clarke, and that Mr. Dowler answered that he had it from Sir Brook Watson. Mr. Dowler admitted that he might have said so, but that he had no recollection of it. That was no contradiction of what Mr. Combe had said, and all the conclusions which Mr. Peaseval had drawn from it must fall to the ground. Instead of discrediting the evidence of Mr. Dowler, he was induced to give it very high credit from the terms in which Mr. Combe had spoke of him. That Gentleman, for whom he had a very high respect, said, that he thought Mr. Dowler a deserving man, and that he would willingly employ him; and the word of Mr. Combe, who was well acquainted with mankind, would go a great way in recommending any man. But Mr. Dowler was a Deputy Commissary, and although every enquiry was professed to have been made, no man had yet said by what means he had attained it. Sir Brook Watson, on whom it was attempted to fix it, denied it from the grave: his papers had been examined, and not a word appeared about him in them. During the examination of Mr. Dowler, he mentioned the name of Mr. Vernon, of the Treasury. Why was not that gentleman called upon to give evidence upon the subject? As he was not called, the testimony of Mr. Dowler remained unimpeached. If Mrs. Clarke and Mr. Dowler had even entered into a conspiracy, as had been stated, yet still they could not perform impossibilities, they could not recal past time, and undo his appointment. If Gentlemen opposite could not tell who they were who gave Mr. Dowler his appointment, the House must believe the account he had given himself, and indeed it could not be accounted for otherwise than through the influence of the Duke of York. Mr. Dowler had said that he gave Mrs. Clarke one thousand pounds in two payments to get him the appointment, yet he never was asked how the payments were made, whether it was by drafts upon his father or in Bank notes, so as that the truth of it might be ascertained. He had likewise stated that he sold property out of the Funds to enable him to make the payment, and had any inquiry been made into that fact? Though Mr. Dowler had slept with Mrs. Clarke in St. Martin's Lane, the Honourable and Learned Gentleman could not do what Jupiter had done, call back a past day; they could not

do away his Commissariat, though they could charge him with passing his hours with that fair Delila in forming a conspiracy to impose on the House, by giving evidence that he purchased his appointment from her. He (Mr Whitbread) did firmly and solemnly believe that Mrs Clarke had obtained for him that appointment the thing was done, the money was paid, and now this third detailed conspiracy was completely broken up.

There was one more transaction on which he wished to make a few observations, it was that of Mr Elderton. In this case Mrs Clarke seemed to have acted in a very feeling way, and perhaps had done it gratuitously. And in looking at these transactions, he never meant to say or to insinuate that the Duke of York had put money in his pocket, he had always considered him as far superior to any such base or groveling motives. He considered always, that if he had done any such thing, it had been as a favour to his mistress. Mrs Clarke had fairly and clearly shown how she had effected it. She mentioned it to his Royal Highness, who promised her it should be done. He told Mr Greenwood—"one Mr Elderton will call on you for a Paymastership,"—*verbum sat*—it is done—Mr Greenwood could do no other than let him have it, and he candidly told the House that Mr Elderton had been appointed,—His gratitude prompted him to write the letter of thanks—Mrs Clarke never knew the letter of Mr Elderton was in existence—it came from Nicholls's magazine at Hampstead, and she imagined it had been burned, and had no idea that by his basely neglecting to do so, it would be produced on this occasion in aid and support of her evidence, which the Right Honourable Gentlemen was so desirous to discredit and overturn. There was one more case, that of Kennet, but he would not trespass on the time of the House by dwelling on it.

The Right Honourable Gentleman, had, both in the outset of this business and towards its conclusion, talked of conspiracies. It might do very well at the beginning, but how at the conclusion he could dwell upon conspiracies somewhat surprised him. After it had been shewn that the conspirators were all in different stories, how was it to be carried on? Mrs Clarke fairly and candidly tells her story, and mentions Sandon, French, and Donovan, as the persons who first applied to her for the purpose of opening a traffic in promotions, exchanges, &c. When these Gentlemen are called upon, instead of appearing to be a conspiracy with Mrs Clarke, they seemed to be in one against her. Mr Donovan gave a most reluctant evidence, and was guilty, on the first day's examination, of the most barefaced prevarication. Mr Huxley Sandon had done the same, and always said he thought Mrs Clarke had not the interest she had boasted, though he had paid so handsomely at different periods to obtain it. The Right Honourable Gentleman then came to wonders, but might not a number of conspirators combine against one? She could not conspire with them, for Dow-
ler,

ler, was in Portugal, Sandon was in Spain: all of whom arrived, providentially as it were, to prove, in various ways, that there had been no conspiracy between them and Mrs. Clarke, nor between them and his Honourable Friend, so far from it, Sandon, by his intended conspiracy against them, and against the ends of justice, had in the hands of Providence, been the means of the production of those letters which had irrefragably proved the truth of Mrs. Clarke's testimony, and disclosed the whole of the facts of the transactions of which his Royal Highness had been charged with having a knowledge, at a moment when she could have no sort of controul over them, and, in truth was ignorant they were in existence.

His Honourable Friend had been told, in the outset of this inquiry, that infamy must attach somewhere, and where has it fallen? It was for the House to determine that question; for his part, he was bold to say, that no infamy attached to his Honourable Friend, from his conduct in the business, but on the contrary, he thought that House and the whole country, were highly indebted to his spirit and patriotism, for having brought forward those charges. A conspiracy had been talked of, who he demanded were the conspirators? The Jacobins—Yes, and in Gloucester-place did the genius of Jacobinism preside—there were his midnight revels held, and there sat the Duke of York himself as Chairman of the festive board. There was the nest in which he was nourished, and such was the situation from which his Honourable Friend had endeavoured to rescue him. The Genius of Jacobinism holds his habitation as much in the dwelling of the Prince as of the Peasant—as frequently in the palace as in the cottage, and it was from the palace, if they would live in safety, they must first expel him. “Who then (said Mr Whitbread) is the true Anti-Jacobin? Not the report which goes forth, and defeats its end by its falsity—not the publication which plainly evinces its prejudice by its asperity. No, my Honourable Friend is the true Anti-Jacobin. he stands forward in the cause of Royalty, because in the cause of truth, and becomes the best defender of the State, because endeavouring to free it from corruption. Jacobinism ‘makes the food it feeds on;’ it hangs upon a Prince’s follies, that it may turn them into vices, and even aims its venom at this Assembly, which will, I trust by doing its duty, defeat the vile design.” The House would do a good office by the country—it would act nobly by the Duke himself, and he trusted, if, as in the scale of human probability he might, that illustrious personage should ever mount the throne of England, the people would see the consequences of their chastisement in his reform. He had dug a trench around himself, into which, unless cautious, he must fall. With respect to the letter which had been sent to the House by his Royal Highness, he should make a few remarks on its contents, although that was not the proper time to enter upon its tenor or form. He had asserted his innocence upon the honour of a
Prince,

Prince, in contradiction to evidence, but the honour - a Prince in many cases, was no better than the assertion of the meanest individual. Protestations of innocence in cases that were clear, were of no avail, and never attended to. We had frequently seen wretches, with ropes about their necks, led to execution, declare their innocence of the crime for which they suffered, and leave the world, calling upon God to witness the truth of their assertion, but the ends of justice could never be attained if the assertion of a criminal were to be received in opposition to positive evidence. He believed that at present much less corruption had been practised than in former times, but he believed that the chief reason for that charge arose much less from any improved notions of integrity which the present generation had acquired, than from the fear that their names would appear upon the large blue book upon the table, containing certain questions and the answers to them. A conviction for corruption had lately taken place against a man who had not yet received his sentence, and who held some rank in society, and he hoped his case would operate as an example to others, and that all those who should be detected in similar practices, should be proceeded against with the rigor of law. From what had transpired in that House, he trusted that the Crown Lawyers would consider well before they would proceed further against those who were called the libellers of the Duke of York, at all events, he hoped that libellers of all parties would be treated alike. The plague had got amongst us, and it became us to stand between the dead and the healthy, and prevent it from spreading. Bonaparte was a flea bite, compared to internal corruption, and if we did not prevent its spreading, we were a lost nation.

The ATTORNEY GENERAL said, that as the Honourable Gentleman had addressed some observations to him, he hoped he might be allowed to make a few observations in his turn to that Honourable Gentleman. That Honourable Gentleman had said, that he would not for the world attempt to gain the vote of any man, unless from his conviction. But he well knew what authority he possessed in that House, and it seemed to be his own conviction which he endeavoured to impress upon the mind of others. He (the Attorney General) agreed with what had been stated by his Honourable Friend (Mr Bathurst), that the question divided itself into two parts, first, whether his Royal Highness knew of these transactions, and if not, what ought to be done? Thinking thus he could not assent to the Address proposed by the Honourable Gentleman opposite; for he thought that the House ought to come to a decision on each distinct question. He agreed that on the first question they ought to proceed judicially, and decide upon the evidence, though upon the second, respecting the course of proceeding, circumstances connected with the situation of the Duke of York ought to be taken into consideration. He wished to deal with the Commander in Chief as he would with the lowest individual,

individual; but surely it could not be attributed to the lowest member of society, that he was more guilty by declaring his innocence. Then why should it be made a crime, that his Royal Highness had done so? Did his high situation put him to that height, that the laws of his country should not give him that protection, which was, and he hoped ever would be, the boast of Englishmen that they could attain. The right honourable gentleman who spoke last, seemed to throw a screen over the evidence of Mrs. Clarke, and also insinuated, that she had foiled those who attempted to cross-examine her. He did not wish to say but her evidence, or at least part of it, was given with that effrontery, that not any thing could have apologized for, but the *smirks* and *smiles* of the honourable gentleman and his friend; and he now enjoys the result of his encouragement. Mrs. Clarke is the Goddess of his Idolatry, and he will not allow the sacredness of her character to be violated.

But how does the matter stand? is not her evidence impeached by that of Mr. Nicholls, of Hampstead? Did not Mrs. Clarke deny ever having passed herself for a widow? or ever having represented herself as the wife of Mr. Dowler? Yet it has been proved by Mr. Nicholls, that Mrs. Clarke has passed herself for a widow, and afterwards for the wife of Mr. Dowler: and that when asked why she endeavoured to conceal her marriage? her answer was, that if the Duke of York knew it, he would send Mr. Dowler out of the country. But while the honourable gentleman is so busy in defending one witness, he does not forget to abuse another. Mrs. Clarke had left some papers, at Hampstead, in the hands of Mr. Nicholls. The present charges being noised abroad, Mrs. Clarke wishes to get back the papers, and sends to Mr. Nicholls to demand them. Mr. Nicholls refuses them, and for this refusal the honourable gentleman accuses him of having acted basely, dishonestly, and corruptly. These were hard words; and were Mr. Nicholls in that House, he would be entitled to retort them. But it is the object of the honourable gentleman to beat down Mr. Nicholls, and to uphold Mrs. Clarke. But Mr. Nicholls may defend himself. He may say Mrs. Clarke is my creditor; and I am justified in retaining her papers until I am paid what she justly is indebted to me. But it is not only Mr. Nicholls whom the honourable gentleman attacks, but those who brought him forward as a witness. Other witnesses, however, have deposed to the same effect. Is not Mrs. Clarke again contradicted when she denies that she passed at Reid's Hotel for Mrs. Dowler? and here again is a material contradiction to be observed on the part of Mr. Dowler. Mr. Dowler says, he saw Mrs. Clarke on the Sunday after his arrival, and that he only found her address through the medium of the newspapers; yet Mrs. Clarke flew to

him immediately on his arrival, and passed a night with him at the hotel he had already mentioned. This again was a material contradiction on the part of Mr Dowler, who was anxious to make the House believe he was an unwilling witness.

It has been said by the honourable member, that Major Tonyn's case had been proved by Captain Sandon, and he had asked how it happened that the appointment had taken place in August? We have this explained by a most circumspect witness, Colonel Gordon, who had stated, that early in July the Duke of York had desired him to make out a list, which he did, and included Captain Sandon's name, without any suggestion from his Royal Highness, and by the same witness we were informed, that on the 9th of August His Majesty's sanction was obtained. Mrs Clarke did not even suggest, that she had ever had any communication with the Duke of York upon the subject, but that she had only told him she was to receive two hundred pounds, and was it to be supposed, or could it be believed, that the Duke of York would have committed such an act? As to the letter, supposing it to be genuine, though certainly it was suspicious, it had no bearing upon the question.—He could invent five hundred circumstances, and attach them to that letter, which would make it appear perfectly innocent—but then it would only be his statement, and could any one attempt to attach a criminal interpretation to it, when Mrs Clarke, so great an actor, could not tell how it applied. As to Colonel French's levy, nothing but what Mrs Clarke said could attach any thing improper to his Royal Highness. The regulations for this levy underwent the strictest examination, and with more than ordinary jealousy by Colonel Lorraine. He could not agree with those who said a presumption arose, that the Duke of York knew of this foul transaction, he considered such presumption as hard, cruel, and unjust. But it had been said it was confirmed by the conversation which had been heard by Miss Taylor. If such conversation had taken place, it would not bear out the inference, without attempting to invalidate her testimony, it was certainly remarkable that she should recollect this circumstance of the conversation and no other, particularly as she had never heard Colonel French's name before, or had ever mentioned it till three weeks before the present inquiry began. This reflection led him to another; it had been said by Mrs. Clarke and Mrs Favery, that Miss Taylor was a great favourite with the Duke of York, and that she used to be admitted to his dinner party; now this might have been proved, if true, for M'Dowall and Pierson, who had each waited at table, and consequently had more opportunities than Mrs Favery to notice such a circumstance, both declared that they never recollected even to have seen Miss Taylor

Taylor in the same apartment with his Royal Highness. It had been also argued with respect to the payment for plate to Mr Birkett, that when the Duke of York gave bills to the amount he did, he knew there was a deficiency of five hundred pounds—he knew that was paid by Mrs Clarke, and consequently that she must have paid it with the five hundred pounds received on account of Colonel French's levy but, he said, that *connoissance* must be proved, which it was not, and therefore there was no evidence against the Duke of York, and the whole of the objections were destroyed —He then proceeded to comment on the contradictions in the evidence of Mr Dowler, in denying his interview with Mrs Clarke, which, he contended, were partly for the purpose of arraiguing his testimony.

Having commented on the different cases which had been made the subject of inquiry, the learned gentleman proceeded to take a view of the different opinions already expressed, on the degree of blame which it was admitted did, to a greater or smaller degree, attach to the Commander in Chief — There were gentlemen who thought that even should his Royal Highness not be thought to be implicated in the corrupt practices imputed to him, that an address should be presented to his Majesty, stating the nature of the practices which had been inquired into, and praying that his Royal Highness should be dismissed from his situation of Commander in Chief. Another honourable gentleman had been of opinion that a resolution should be entered on their own Journals, which, without addressing his Majesty, should have the effect of causing his Royal Highness to resign. And another had been of opinion, that the House should not allow the matter to pass without expressing their judgment upon it, but that the case did not require any address or resolution.

He begged it to be recollected, that from the year 1794, the Duke of York had been Commander in Chief, that during that period the condition of the army had been improved in every respect under the auspices of his Royal Highness; that except during the period of his connection with Mrs Clarke in the year 1804, no charge or imputation of any kind had been made against him, that from the time he separated from Mrs. Clarke, no vestige of a charge, nor even the smallest imputation, had been attempted to be attached to him. These things he desired to be kept in view, and if it appeared, that from the time of his separating from Mrs Clarke to the present, all the industry of the Honourable Mover could not conjure up the vestige of an accusation, he submitted that that afforded strong proof that there was nothing of the sort to bring forward, not only because nothing was proved, but because nothing was attempted to be proved. In these circumstances their form of

proceeding was matter of serious consideration, and it became them to see that they did not act more severely and harshly than the public cause demanded. Some consideration too, was due for his Majesty, and it became the house to consider well if the necessity of the case was imperative on them. If the public safety required either such an address or resolution as should render it necessary for his Royal Highness to forfeit his situation as Commander in Chief, he surely said the measure must be resorted to. If it was thought that the army would be injured or disgraced; if it was imagined that the safety or credit of the army would be endangered; if a continuance of the frauds to which it had been exposed was to be dreaded, he must surely say, that he should be of opinion that such address or resolution ought to pass. But when he considered the length of the inquiry that had been going on, and that in the whole course of it, not a single instance of the improper grant of a commission had occurred—that within the fourteen years, during which the Duke of York had been Commander in Chief, not one improper object, on whom to confer a commission, had been brought forward; no one instance in which one of the regulations for the conduct of the army, had been relaxed; indeed, that to look at the way in which the army had been officered, it was only necessary to look where they had been led; then it followed that the complaint was not that improper men—unworthy officers—had been nominated, but that among many worthy officers, some of them had preferences given them by Mrs. Clarke. Such a power she had no doubt taken credit to herself for possessing, but, such there was no evidence whatever that she actually did possess. It was well known that persons, who had acted as servants to Prime Ministers and Secretaries of State, had taken money, pretending that they could procure pardons; it would be equally just to condemn the masters of such servants as guilty of the sale of pardons, as to condemn the Duke of York for the acts of Mrs. Clarke. He was, therefore, if the first resolution of the Chancellor of the Exchequer should be agreed to, for passing such a resolution as should fall short of making his Royal Highness retire, or be removed. Could any man, after this inquiry, believe that things would grow worse? Did any man believe that the Duke of York was insensible to the perils and dangers with which he was surrounded, and that he would not profit by the lesson he had received? Did any man think he would not be sensible of his acquittal, and of the reproof accompanying it? Did any man believe that he would not be sensible of all these things, and careful to avoid a similar situation?

MR. WHITBREAD in explanation stated, that amidst a number of misrepresentations which the learned gentleman had made of what

what fell from him, he should only allude to two, one of them regarding Mr. Dowler, and the other regarding Mrs. Clarke. The learned gentleman had overstated the case, in saying that he represented Mr. Dowler as unimpeached, he had only said, that he had not been guilty of contradiction. With regard to Mrs. Clarke, the honourable and learned gentleman had said, that he had represented her as a witness entitled to full credit, and that he had taken her as such under his arm. He had not said so. He had only stated that in Mrs. Clarke's evidence there was a scintilla of truth, and therefore that she was not totally unworthy of credit.

Mr. BANKS rose, amidst the repeated cries of Adjourn! Adjourn!—He said it was not his intention to intrude himself upon the notice of the House, at that late hour, but as he meant to move an amendment upon the original motion, he was desirous of making a few general observations upon the nature and extent of that amendment.—The amendment, he said, suggested that night, by an honourable friend (Mr. Bathurst) would form the basis of that he should have the honour of submitting for the approbation of the House, and he trusted it would not only meet the justice of the case, but be free from objection. In the view, however, he had taken of the subject, though he was prepared to proceed, if the House were disposed to hear him, yet he thought it adviseable to avail himself of the few hours reflection the adjournment would give him, and to consult further with his friends upon a point that called for such grave and mature consideration. It was, he said, his intention to propose the abridgement of much of the address as it was originally moved, and to add to it a paragraph that should negative the conclusion of personal corruption or criminal participation or accession on the part of his Royal Highness. It was also his intention to propose that that part of the address which went to the dismissal of his Royal Highness should be left out; but at the same time that the amendment should be so worded, that it should express the decided opinion of the House, that his Royal Highness the Duke of York at present could not continue to hold the office of Commander in Chief. Having said that, he should, without further remark, proceed to move that the House do adjourn.

The motion was then carried, and at half an hour past four in the morning, the House adjourned.

FRIDAY MARCH 10.

On the motion of Lord FOLKSTONE, the House proceeded in the further consideration of the report of the Committee, to investigate the conduct of his Royal Highness the Commander in Chief.

The original address of Colonel Wardle, and the amendment proposed by the Chancellor of the Exchequer, were read from the Chair.

MR. BANKES rose. He said he was confident the House would grant him its indulgence, while he took the liberty of stating, what to him seemed the best mode of proceeding to be adopted on the present occasion. He should feel concerned, if through his means, any unnecessary protraction of the affair should take place. But when he considered the necessity of attending to the form in which their deliberations should with propriety be moulded, he must express the conviction of his mind, as to the necessity of laying before his Majesty an uniform address. He had no objection in concurring with the resolutions of the right honourable gentleman (the Chancellor of the Exchequer) provided he agreed to the amendment which he would propose. In this discussion he was anxious for a full statement at once, in order that the House might be assured of what it was engaged in. There was nothing which he so much wished to obviate, as any intricacy in the matter. His sole object was to amend the amendment, and substantially to maintain the preliminary part of the resolutions. The propriety of discussion on the point of form, he stated to be proved by precedents in the years 1759 and 1783, which the Speaker was so kind as to afford him. Founding therefore his motives on those precedents, it was his intention to bring the House to a division on the amendment, while he should wish to preserve the previous part of the original motion. In that House he was confident there was no individual who attended the pending enquiry with more reluctance than he did. It was impossible for him to conceal his apprehensions that the result of this inquiry would be of more detriment than service. But as the House had so far gone into the case, he trusted it would acquit itself with honour. In proposing the result of the opinions which he had formed, he felt assured it would not disgrace him. As, however, he most certainly now entertained no wish for the same prolongation of debate as on former nights, he should not add to the ample discussion which had already taken place on the general question. What had been done by the right honourable gentleman (the Chancellor of the Exchequer) was not only performed with distinguished ability and creditable zeal, but with considerable fairness. What he had said he believed to be from the genuine impression of his honourable mind, and he conceived that the whole House would concur with him when he asserted, that the speech of the right honourable gentleman was one of the ablest that ever was delivered by any member in it.

The evidence applicable to the main points of the case had also been very ably and powerfully urged by another honourable gentleman

gentleman on the other side (Mr. Whitbread.) Therefore he felt it unnecessary for him to detain the House by any analysis of this nature. He should confine himself to the general results, and the particular grounds of the belief which produced the proposition he was about to submit.

At the outset of this discussion he could not help disapproving of the doctrine, which seemed to be held, that the House should shut its eyes against any sort of defence. For himself he would say, that he did not think that an entire defence had or could be made out for the object of the accused—but yet when the House assumed a judicial character, it was fair to let in any defence that might be offered. His opinions as to the propriety of the House assuming such a character at all were well known. His wish at all times was, that they should studiously avoid acting in such a character. For he could fairly say, that whenever they had done so, they had seldom done themselves honour. In the case under discussion, however, they had decided differently, and acting as judges, the accusation and the defence were to be fairly and fully weighed from the evidence before them, and from that evidence the House must decide.

Upon the nature of that evidence he had heard many extraordinary doctrines. He was particularly surprised to hear it seriously laid down, that because some of the witnesses had in some instances contradicted themselves, or were contradicted by others, that it therefore followed they were entitled to no attention whatever—that the House should not decide from any part of their evidence. What! was the house to be precluded from considering and discriminating the parts of a witness's testimony, which was credible, and the parts which were of an opposite nature? He really thought his right honourable friend (the Chancellor of the Exchequer) quite erroneous in his argument, that because certain witnesses were exceptionable in some parts of their testimony, that testimony should be blotted out altogether. Was that the rule in any court of law or elsewhere? was it in fact a rule in either our public or private affairs? Did it follow; or was it an opinion any where that because a person tells many falsehoods, that person tells no truths? No—such a rule should not influence the House, whose duty it was to examine the whole of the evidence, and to extract from it so much as was credible and applicable to the question at issue. This was the rule of a court of law, where no witness was ever thrown aside, however prevaricating or contradictory in some respects, if in any respect it bore internal evidence of credibility, or was supported by corroborating circumstances. Applying this principle to the examination of the evidence before the House, every gentleman must be enabled to form an opinion as to the degree of credit
due

due to each, and how that credit should operate up on his judgment.

With regard to the witnesses to whom his right honourable friend would apply his rule of exclusion, he was free to confess, that the principal (Mrs. Clarke) did appear to him to have very little regard for truth. In fact, he hardly ever saw a person to whom truth and falsehood were so indifferent (*a cry of hear, hear, from the Treasury Bench*)—but yet, were not many material parts of this woman's evidence corroborated by other and indisputable testimony? What was to be thought of the documents so unexpectedly found; of the note, he would not say so miraculously, as applied to such a thing, but certainly, in so extraordinary a manner? After such discoveries and corroborations, did it follow from Mrs. Clarke's contradictions of herself, or her contradictions by others, that there was not a word of truth in her evidence? There were then four principal points in which he thought this witness's testimony incontrovertibly established, and the first was by the evidence of Miss Taylor. The attempts made to invalidate this girl's testimony, were, he must confess, not at all convincing to his mind. As to the chief ground of impeachment, namely, her connection with this woman, was so naturally accounted for by her relationship, that it was entitled to no weight whatever. There were some points on which her refusal to answer, or her evasion, might appear to excuse some question as to her credit, but it could not be said to invalidate her testimony. Indeed, there was an internal evidence in the thing itself to which this witness's evidence applied, which rendered it irresistibly strong. After repeating the words mentioned by this witness, and reflecting upon their character, particularly from comparison with the Duke of York's own letter, would not any man feel it difficult not to believe that the conversation referred to did actually take place. From this loose conversation indeed, it was fairly to be inferred, as his right honourable friend near him (Mr. B. Bathurst) had stated, that the Duke must have entertained a suspicion of Mrs. Clarke's improper meddling in military transactions. But he would go farther than his right honourable friend, and say, that it warranted a belief that there was between the Duke of York and Mrs. Clarke a constant unreserved intercourse and communication upon military subjects. It was asked, how it happened, that this was the solitary remark Miss Taylor heard the Duke of York ever make to Mrs. Clarke upon military matters? and this question was emphatically put by persons disposed to discredit this witness. Indeed, they seemed to argue that such a circumstance tended to produce that effect. Now in his judgment it must have directly opposite bearing. It is said, or at least insinuated, that Miss Taylor, as the confidant

of Mrs. Clarke, came before the Committee as the member of a conspiracy—that of course she could not be much under the restraint of truth. But if that were really the case, that she was capable of saying any thing, is it not probable that other words would have been put in her mouth? There were frequent opportunities in the case of Knight and Brooke's exchange; it would have been of great importance to a conspiracy to have had Miss Taylor state at once, that she was present when Mrs. Clarke received the two hundred pounds from Knight, and upon the night before the Duke of York went to Weymouth, she gave it, in his presence, to a servant, to get it exchanged, after telling his Royal Highness how she obtained it. Upon such an occasion as this, had Miss Taylor been a person of no veracity, her evidence would have been valuable. Indeed, it would have been a clumsy contrivance to produce so many witnesses about sending a note through town to be exchanged, when the object could have been at once settled by Miss Taylor's evidence, had she been of the accommodating character which some gentlemen would impute. And here he would ask any member of that House, or any man of common sense out of it, whether, if this story about the exchange of the note had been really a fabrication, some such direct evidence as he had mentioned would not have been adduced to support it.

Now, as to this mysterious note, he would observe, in the first instance, that this note seemed to him the most unsatisfactory thing for any purpose that could be imagined. With regard to the similarity of hand writing, that was so difficult to be ascertained, as appeared from the evidence—as must be known from every man's experience, that he should not dwell upon that point. But there was a substantive internal evidence connected with this note, that excluded the suspicion of forgery. It was written, it is stated, with a view to impose upon Tonyn. But if that was really the case, was that the sort of note likely to be sent? Here was a woman of no principle, and capable of forgery. If she wished to forge a note for the purpose of imposing on Tonyn—of inducing him to suspend his intention of withdrawing some money, by impressing upon his mind that she had influence with the Duke of York, what was the kind of note she was likely to have written, in order to produce that effect? Why, something of this nature—"If you please, Tonyn's promotions shall cease;" and what should prevent her from subscribing the Duke's name, particularly when the note was to be shewn to a man who did not probably ever see his Royal Highness write—But would she not, if she had been inclined to commit a forgery, have signed the name of Frederick, of York, of Albany, as Towne, one of the witnesses called to prove that she was in the habit of forging,
had

had said? What Towne said, therefore, with respect to her forging, did not operate on his mind in the least. The mysterious note, however, was taken by Sandon, (who, however objectionable in other respects, was not to be discredited on this point) to Captain Tonyn, and it had the effect, it appears, of dissuading that officer from withdrawing his money, which money Mrs. Clarke afterwards received upon his promotion—that this promotion had gone on in the most regular way was no doubt in proof before the House. But it was not, therefore, clear, that the Duke of York did not derive any pecuniary advantage upon such promotion. Although it might not indeed be an operative motive on the Duke's mind in the grant of promotions, there was nothing in the evidence to negative the idea that he had a knowledge of Mrs. Clarke's receiving a compliment upon the grant of particular promotions.—On the contrary, there was much that served to cast doubt and hesitation, particularly with regard to French's levy, the circumstances of suspicion connected with which were irresistibly strong, although they did not involve any thing to sustain the charge of personal corruption or participation of profit on the part of the person accused. In fact, there were some parts of the case before the House, from which it was impossible not to suspect that the Duke of York had, at least, some general knowledge of the conduct of Mrs. Clarke. This was too manifest, from his own letters, to be successfully denied for a moment.

His right honourable friend (the Chancellor of the Exchequer) had no doubt evinced a great deal of ingenuity in his endeavour to prove that the Duke's allusion to General Clavering was nothing more than a mere reply to inquiry upon a military subject, which the Duke might have given to any person in Charing Cross, without feeling or exciting any suspicion of an improper nature, as well as to this woman, his connection with whom had proved so unfortunate for his character, and so seriously discreditable to him in public opinion. But could this exertion of ingenuity have effect upon the judgment of any impartial man who read the whole of the letters alluded to? Then as to the letter referring to O'Meara; did not this serve to prove the influence of Mrs. Clarke? What indeed could have originally induced this foolish ambitious man, who was so uneasy to preach before Royalty, to take his testimonials to such a woman, but the notoriety of that influence? Was there a man who could doubt the influence after the reading of these letters? Could his right honourable friend himself (considering probabilities) suppose from the nature of the connection subsisting between the Duke of York and Mrs. Clarke—from the description of feeling which these letters betrayed, that any subject which materially engaged the mind of his Royal Highness was likely to

to be concealed from that woman? It was just as possible to believe such a thing as that his Royal Highness upon crossing the street, or going from the Horse Guards to Gloucester-place, totally lost sight of that business which must have so much occupied his attention. No doubt the learned gentleman who made a statement to the House that the Duke of York never had any communication with Mrs. Clarke upon military subjects, stated only what he believed to be true, and only what the Duke of York himself might have believed also, considering the fallibility of human memory. But it was against the reasonable presumptions of probability, against the general conceptions of human nature—against obvious inferences from evidence of the allegations of unquestionable documents, to believe that such communications did not frequently and unservedly take place.

Having stated the prominent points in the evidence which he deemed material for the consideration of the House, upon the decision to which he wished it to come, he thought it necessary to add, that he saw nothing, acting judicially, which would warrant the House in taking any farther criminal proceeding, because no personal corruption appeared to attach to the accused. The assurance of this fact must be a source of peculiar comfort to the parental feelings of the Sovereign to know, the charge having been made that it proved to be unfounded, and that assurance would form a part of his address. But with that he meant to connect some points upon which he thought it absolutely impossible to give a negative, notwithstanding the ingenious display of his right honourable friend.

Here the honourable gentleman entered into an examination of the letters found in the custody of Captain Sandon, and which Mrs. Clarke never could have expected to see produced upon any occasion; she in one or two of them requested that they might be burned. From one of these letters he observed, that a very extraordinary inference was attempted to be drawn. He alluded to the letter in which Sandon is requested not to enter her box at the play, not however because the Duke was to be there, no, but because he was to be accompanied by Greenwood, who might speak ill of Sandon. From this letter an inference was attempted, most singularly indeed, that Mrs. Clarke was anxious to conceal her military transactions from the Duke of York. But what was the fact, that she, as it appeared in evidence, never desired to conceal Sandon from the Duke, but from Greenwood, between whom and Mrs. Clarke a strong jealousy existed, as well as there did between that woman and Gordon. To this jealousy it was owing that caution was employed—that measures were always taken that any application for promotion by Mrs. Clarke should go in the regular way

way that official forms should be attended to, in order to blind Gordon and Greenwood, and to avert the consequences of their jealousy.

There was another point in the case disclosed to the House, which he was sorry to see Gentlemen so anxious to overlook, and separate from the main question. But there was no question in his mind, of more importance. That House was the guardian of the liberty and property of the people; but it was the guardian of something more, he meant public morality — and it should take care it discharged the important duty which belonged to it in this respect. If it kept that duty at all in view, even in the present low state of morals, how was it possible to overlook the immoral connection which was coupled with those transactions; to let that which had given so much offence to all good men; which had produced so much public scandal, escape without reprobation or example? Such conduct in such a quarter could not, consistently with its own honour, be passed lightly over by that House. He trusted it would not. He felt that it ought not, and therefore he had introduced a censure upon it, into the address he had to present. Under all the circumstances, he was decidedly of opinion, that that House would not do its duty to the country, to its Sovereign, or to itself, if it did not communicate its sentiments to his Majesty, that after what had been disclosed, the Duke of York could not any longer, at this time, remain an useful servant of the public (*a loud cry of hear, hear!*).

The address proposed by his right honourable friend, he observed, was a mere extract from a letter, recently presented to that House, in a very extraordinary, and, in his mind, in a very exceptionable manner. It was the custom to say, that the address of the House to any speech from the Throne, was generally the echo of the speech, but he never could suppose it possible to be said, that the address of that House should be the echo of a letter (*loud cries of hear, hear!*). In this case, however, it might be said with justice, and he never could persuade himself to subscribe to such an echo. He hoped the House would manifest an equal unwillingness to do so. If the House could not only endure to receive a letter, which was itself an infringement on its privileges, but could submit to send an Address to his Majesty, in obedience to that letter, it must be contented to sink in its own estimation and that of the country. Let the proceedings of the House be guided by proper motives, and spring from a pure source, and the country would do justice to its conduct, while it must retain its own good opinion. Differing so decidedly as he did from his right honourable friend, in the conclusions to which his mind had come upon the evidence, he could admit nothing more than that

that it was barely possible his right honourable friend might be right. But that he was not so, that House would, he hoped and trusted, for its own credit and character, prove by the decision it pronounced upon this important question.

The honourable gentleman concluded by declaring, that in his opinion the whole of the circumstances had not been falsified, and that the conclusion which he had drawn in his own mind was not erroneous. He then moved the Address to the following effect—

“That information had been laid before the House, with respect to certain abuses and corruptions which were alledged to be prevalent in the disposal and purchase of commissions and promotions in his Majesty’s land forces. That the House had accordingly instituted the most diligent examination into the grounds of such charges; and that they felt the deepest concern that the result of that inquiry was such as to convince them that such corruptions and abuses had prevailed. That they had, at the same time, great satisfaction in being enabled to declare that there appeared to them to be no ground for charging the Commander in Chief with personal corruption; but while they were glad to do justice to his Royal Highness, and to acknowledge the good consequences that had resulted to the army from the regulations he had introduced, and the improvements he had adopted in advancing their discipline and conduct, still they felt themselves obliged to express their opinion, that such abuses could not have prevailed, to the extent they had done, without exciting at least the suspicion of the Commander in Chief; and that if such abuses had existed without the knowledge of his Royal Highness, that House had great reason to doubt whether the Chief Command of his Majesty’s forces could with propriety, or ought with prudence, remain in the hands of the Duke of York. That the House had discovered, with the deepest concern, that a connection had subsisted, fraught with injurious consequences to the cause of religion and morals, and of a character the most opposite in its nature to the bright example of morality given, throughout a long reign, by his Majesty to his people.”

Mr. YORKE said, that he felt the greatest confidence that the House would come to a conscientious decision on this subject, which was one of the most important that had fallen under the cognizance of Parliament within his memory. There were many members, who, in their capacity of magistrates, must have acquired a very competent knowledge of the principles of the law of evidence, and it was upon these principles only that they could decide respecting the credibility of the evidence they had heard at their bar. Adverting to a remark from the honourable Gentleman in whom this discussion originated, he

declared his persuasion, that although that House was the virtual representative of the people, and ought not to act without a reference to popular feeling; yet that they would on no occasion sacrifice their judgment to popular clamour. He felt confident, therefore, that the ultimate decision of the House would be satisfactory to the public.

There were two questions before the House. The first was, whether his Royal Highness the Duke of York was implicated in these transactions of personal corruption or corrupt connivance. A question would arise upon this, as to what the proceedings of the House should be. The second question was, whether, even in the supposition of his Royal Highness being acquitted of corruption or criminal participation, there was not sufficient evidence before the committee that his conduct had been incorrect, and was therefore liable to censure. These two questions, in his opinion, embraced the whole of the proceedings before the House. The address moved by the honourable gentleman (Mr. Wardle) related to the first question; the amendment, proposed by his right honourable friend to the second. Although he entirely differed in opinion from his right honourable friend who had just sat down, he was far from ascribing to him any purposed contrivance to render difficult the course which the House had to adopt. He could not, however, help being surprised to hear his right honourable friend say, that the course which he had advised was calculated to avoid intricacy. The direct reverse was the case. His right honourable friend, in the address which he had proposed, admitted in substance the first resolution of the right honourable gentleman near him, namely, that it was proper the House should come to a decision on the question; but his right honourable friend could not, it seemed, agree to the second resolution of the right honourable gentleman, because there was a sentence in the latter part of it to which he objected. Would not the most plain and obvious course have been for his right honourable friend, when that resolution was put, to propose to the House an amendment, comprising his view of the subject? Such a step would have been simple, and would have avoided all that confusion which must result from the change in the form of the question before the House; in the first instance, from an address to resolutions, and now from resolutions to an address.

He requested the indulgence of the House, while he briefly adverted to the evidence they had heard at their bar. It appeared from this, that Mrs. Clarke had lived with the Duke of York for about two years and a half, and it was made a charge against his Royal Highness, that during that time she, by her agents had engaged in an extended system of corruption re-
lating

lating to promotions in the army, and other appointments. Towards the middle or end of 1806, his Royal Highness found reason to part with this woman, and it was deeply to be regretted that he had not come to this resolution much sooner. These corrupt transactions must therefore have occurred in the interval between the beginning of 1804 and the period that she was discarded. It appeared also from the evidence, that his Royal Highness had a great affection for this unfortunate woman, and that he placed unlimited confidence in her. The testimony of this woman was the chief support of the different charges that were preferred. Now, for himself, he would say, that he would give no credit whatever to the testimony of Mrs. Clarke, as affecting the Duke of York, except where it was corroborated by others. She had the strongest motives for endeavouring to destroy the character of the Duke. Wounded pride—the fallen and embarrassed state in which she was—revenge, and that fixed hatred which, when it once takes root in a female breast, is hardly to be satiated, urged her on and produced those various contradictions in her evidence, which stripped it of all credit. It was not possible, that any man, who was not unaccountably prejudiced by something extraordinary in the manner or habits of that woman, would believe what she said, if it was uncorroborated by other testimony.

He felt it unnecessary to go over the whole evidence, or to remark upon the character of the several persons who had appeared at their Bar, as it had already undergone such ample consideration. There was one circumstance, however, relative to Mrs. Clarke, which had not been adverted to, but which appeared to have made some impression upon the country, injurious to the character of the Duke of York. Many persons thought that she had been seduced from the arms of her husband, debauched, and abandoned; this, however, was not the fact, it was wholly an exaggeration. In the course of Mrs. Clarke's evidence she had said, that she had been intimately acquainted with a Mr. Ogilvie, an army agent, before she was acquainted with the Duke of York, or at least before she went to reside in Gloucester Place. Previous to that time she had been examined before the Commissioners, relative to Mr. Ogilvie's bankruptcy, and had been asked during the examination, whether she lived with Mr. Ogilvie? To which she answered, that he had lived with her.

In this school, a woman of her talents could not but have made great proficiency in that science, which she so dexterously and successfully practised while under the protection of his Royal Highness. According to her account, it was not until some time after the establishment at Gloucester Place was set

up, when she discovered that the allowance was not sufficient to maintain it, that she felt herself under the necessity of taking up this system. But let gentlemen examine the minutes, and there they would find it in evidence that the proposal for French's levy was made on the 1st of February 1804, before the establishment at Gloucester Place was set up, or just as it had commenced. In fact, she began to put her knowledge in practice, before, by her own account, she became in the least embarrassed. Was he not justified in saying that this woman came out of Mr. Ogilvie's hands well acquainted with all the mysteries of military services? The application from Sandon and French must have been before she went to reside in Gloucester Place. Would any one believe what she said respecting her distresses having arisen some months after she had come to Gloucester Place? It was proved, by her connection with Sandon and French, that the story of her distress was invented to bolster up that fact.

The honourable gentleman who last spoke, had said, that there were circumstances of very strong suspicion in the case of French's levy; but that suspicion was in general excited by the testimony of Miss Taylor, and the disposition in that House to credit that testimony; he however confessed that he had very great doubts upon his mind whether any credit was due even to her. That part of her evidence with respect to her knowledge of Mrs. Favery, did appear to him a little extraordinary. She admitted that she knew Mrs. Favery, but that she never recollected whether she ever went by the name of Farquhar. It was impossible she could have forgotten such a circumstance; or, if she had, how were they to reconcile it with her tenaciousness of memory in recollecting, *verbatim* almost, a conversation which had taken place so many years before, when this strong circumstance in her evidence was coupled with the fact of her being an old and intimate friend of such an abandoned woman as Mrs. Clarke? He confidently put it to the House whether, as to the issue of this conversation having or having not occurred, they could find the Duke guilty either of personal corruption or criminal connivance upon such evidence. He at the same time admitted the great probability of the Duke having occasionally conversed with this woman on military matters. She had evidently a great share of his confidence, and it was natural to suppose that in a connection of so tender a nature, the Duke might have, in the most innocent manner, referred to military business that at any particular time much engrossed his thoughts. It appeared that he was displeased with the manner with which Colonel French's levy went on, and it was therefore not unlikely that in a momentary effusion he had expressed himself indignantly against French, and that it was at this length of time so coloured as to bear upon a charge

charge of corruption. Miss Taylor might, perhaps, be incapable of submitting to be instrumental to this, but it was still to be recollected that she was in long and close intimacy with Mrs. Clarke, and that Mrs. Clarke had served her. As for Mrs. Clarke, he believed her capable not only of applying falsely such a conversation, but of engrafting it upon the false foundation of a malicious charge. But taking the words as deposed to by Miss Taylor, still they did not warrant the construction that the Duke of York had any personal knowledge of the criminal transactions passing between Mrs. Clarke and Colonel French; but not only would he say corruption, but he denied that there was any ground for concluding the Duke of York guilty of criminal connivance, for who would take upon him to say, that it had been proved that the Duke of York knew of Mrs. Clarke's receiving money from Colonel French, for the raising this levy, though there could be no doubt that a woman of her abandoned nature would not hesitate to charge the Duke as a participator in her own guilt; like another harpy she would fly to the feast to taint and to destroy. "*Atrox et dira volat unguibus raptura Cæleno.*" It was not possible to say what she would not attempt to do; but the House would know well to what limit they would believe her. The charge on Colonel French's levy had been already so ably handled, that he should not trouble the House with a repetition of the arguments which had already been so ably put.

With respect to Tonyn's case, the only circumstance that connected it with the Duke of York was the note which had been found in Sandon's possession. But it was very doubtful on the face of it, whether that note was written by his Royal Highness or not. So much doubt, indeed, had he about it, that he could not reconcile his mind to believe that it was, and that it related, as charged, to a criminal transaction. He rather believed that it had been forged by Mrs. C. for the purpose of defrauding Tonyn, through the medium of her agent Sandon. No one who considered the abandoned character of this woman could hesitate to believe that she did not seize on every thing within her reach, with the rapacity of a harpy.

Many gentlemen, well acquainted with various hands, whose business it was to detect forgeries, and in which they shewed themselves very clever, had doubts as to the note being the hand-writing of the Duke. Indeed, any member, who took the trouble of carefully examining Mrs. Clarke's letters, would perceive, that they contained a basis for a facility of imitating the Duke's hand; and there were two short notes of his Royal Highness, in particular, which she might make use of as autographs to counterfeit the Duke's writing. But supposing it was written by the Duke, might it not have related to some other Tonyn, or to some

some circumstance respecting this same Tonym other than this promotion? It was impossible to give up any person to censure and punishment on such evidence.

On Carter's case he would say but little, as any imputation against his Royal Highness on the subject of his promotion seemed to be given up by all sides of the House. There was great reason to suppose, that the Duke knew he was the son of Captain Sutton, and it is possible that he may have attended his person. But his Royal Highness had shewn, that he had always been very anxious about the character of the army, and that he was very careful that no improper person should intrude into it. It was one of the chief and first objects of his care when he took the command of the army; the character of which was far different now from what it was when he was put at the head of it. With regard to Shaw's appointment, he should not detain the House a moment on it. There was no irregularity in any instance relating to it. He was placed on the half-pay as a matter of course. The pencilled note, so much insisted on, did not retard his appointment for a moment. It did not appear, from the documents in Colonel Gordon's office, that any letter had been ever written, of which this presumed rejection of his proposal was the basis.

The next case was that of Dowler; and here he must say there was no credit whatever due to the testimony of this man. For years he had been the favourite paramour of Mrs. Clarke, long before she came to live with the Duke. He had expended considerable sums on her, and nothing was more likely than that he should have had recourse to this stratagem to get one thousand pounds out of old Mr. Dowler, for the purpose of expending it on this woman. It was proved that they were in the habit of drawing bills on each other, and one of these, to the amount of three hundred pounds was discounted at Parker's, and remained unpaid to this day. There was no doubt on his mind that the application in favour of Dowler came from Sir Brook Watson. It appeared from the correspondence with the Treasury, that three out of the five Assistant Commissaries for which he applied had been recommended by him. This presumption was corroborated by Dowler himself; for in his conversation with an honourable member of the House (Alderman Combe), he said that he was persuaded he obtained his appointment through Sir Brook Watson. He should say no more respecting the criminal part of the transaction. If the Duke wished to make a profit of his patronage, had he not hundreds of ensigncies and cornetcies every year at his disposal which he might have turned to account? The sale of these might have produced him thousands, if he was base and mean enough to endeavour to derive advantage from the power of disposing of them. Was it to be supposed

posed then, that he would employ this woman in this abominable traffic for the sake of a few hundreds? He would say one word more respecting French's levy. The expence of it did not exceed forty-one pounds per man; a very reasonable price, considering the difficulty of obtaining men at that time. It did not, in fact, cost as much as other levies that were on foot.

He would now proceed to make some observations on the general view of the whole case, and on the course of proceeding, which, in his opinion, the house ought to pursue. The address proposed by the honourable gentleman opposite, contained no distinct opinion on the criminality or innocence of his Royal Highness. It insinuated every thing, and asserted nothing. But yet it concluded by requesting his Majesty to dismiss his Royal Highness from the command of the army. To such a proposition there were insurmountable objections. If his Royal Highness were thought by the House guilty of that which was imputed to him, they ought to impeach him. If on that impeachment his Royal Highness were found guilty by his Peers of criminal participation in corrupt purposes, or participation in those purposes, did any man think, that merely to remove him from his command would be enough? No; under such circumstances, it would be the duty of both Houses of Parliament to carry to the foot of the throne a Bill to exclude his Royal Highness from the succession. If it were deemed proper in a former period of our history, to discuss the propriety of excluding a Prince from the succession, because he adhered to the religion of his forefathers, he would say, that if a Prince in the present day were convicted by his Peers, of transactions so base and criminal, as to tarnish the brilliancy of the Crown on the head of Majesty, and sully the ermine on his robe, the proposition agitated in the time of Charles II. should now be carried into effect, and a Bill, to exclude such a Prince from the Throne ought to be agreed to by both Houses of Parliament. It was impossible that a Prince, convicted of such practices could sit upright upon his Throne, or look his people in the face. These would be the consequences of acceding to this address. With respect to the undue influence said to be exerted over the Commander in Chief, the extent to which it was exercised, he thought that, on a fair examination of the evidence, it would appear that not one of these proceedings were in themselves improper. They would have taken place without the interference of Mrs. Clarke. There was nothing improper or detrimental to the public in them. But his honourable friend said she had an interest in advancing these promotions. How did it appear? Was it from the letter respecting General Clavering's application? It was very natural that, between a lady and a gentleman living together on the terms these did, such a communication might take place without any corrupt view whatever. Mrs. Clarke said at
the

bar that she had between fifty and sixty letters of the Duke of York, and yet this was the only instance in their correspondence relating to military promotion. He was astonished, therefore, the honourable member should assert, that it was clear that the Duke of York was in constant habits of communicating with Mrs. Clarke on military matters, when there was only one solitary instance, in which it appeared to have taken place; if there was, the House might be assured that either Mrs. Clarke, or the honourable member who preferred the charges against his Royal Highness, would not have neglected to avail themselves of such documents. As to Dr. O'Meara, it was to be lamented that the Duke, on such a recommendation, should have interfered for this man, or made use of the expression that he did respecting him. No such connection should have existed. He must again recur to Tonym's note. He could not consider it as affecting the Duke in the smallest degree. In his opinion, there was no proof before the House that could warrant it to inflict so heavy a *punishment* upon his Royal Highness as his removal from the command of the army, whatever censure it might, in its wisdom, determine to pass on him.

The object of the address as well as the amendment seemed to be to remove the Duke from the command of the army. If he were brought to the necessity of agreeing to such an address, as he undoubtedly was not, he should still extremely deplore such a circumstance as affecting the interests, the discipline, and the feelings of the army. Much had been said of the danger of placing the Princes at the head of any establishments, on account of their not being responsible. But look at the military history of the country, and it would be found that the army never was in such good condition as when our Princes were at the head of it. This was the case in the time of King William, who was himself a soldier, and who managed the whole of it with the assistance of Mr. Braithwaite. It was also the case when the army was under the command of the Duke of Cumberland, in the war of the succession, when it was crowned with eternal glory by the victory of Minden, and the names of Townshend and others were rendered illustrious under the councils of Lord Chatham. In addition to these instances, there was the army formed by the Duke of York, than which there could not be a better. No man would deny that it was equal to any in Europe. This the country owed to the indefatigable zeal and application of the Duke of York. It was impossible therefore not to deplore that such a man should be removed from it, and that the command should be placed in the hands of a person or persons, he would not say, not fit for it, but certainly not so fit as his Royal Highness.

An honourable gentleman opposite (Mr. Whitbread) had said that his Royal Highness was not a fit person for the chief command

mand of the army, because among other things he was irresponsible. (A cry of no! no!) So he understood the honourable gentleman. This at least he knew, that such was the popular opinion. Nothing could be more groundless. The Duke of York was just as responsible as any other man. That he was so, the present proceeding afforded sufficient proof. For his part, he was convinced that the King (God bless him!) could not do better than have a son in the chief command of his army. It would be well before coming to a decision on the subject before them, for the House to consider, that if they agreed to the resolution proposed by the right honourable gentleman on the floor (Mr. Banks), they would remove from the service of the state one of its most able and distinguished servants, merely because his mistress had been engaged in four transactions of which he had no knowledge. The right honourable gentleman's amendment went to state, that it would be prudent in his Royal Highness to resign; but he would say that it was not prudent in the House of Commons to listen to a popular outcry. They ought not to be moved by external circumstances, which naturally arose from what had fallen out in the course of the inquiry, and the cry of corruption being raised on points not under the cognizance of the House. The idea of thousands squandered on women of an infamous description; thousands earned by the sweat of people's brows, was a very natural topic for declamation and popular impression; but was the House to adopt proceedings on such a clamour, and to say that his Royal Highness was guilty of corruption, because an outcry of this kind was raised, to determine that he was unfit to hold the chief command of the army? Without such a popular clamour, no man in that House would have thought that this was a proper course. Let them then speak out manfully, and give their own opinions without bias; and as none could say that from this clamour they were induced to believe the Duke of York unfit for the command, never let them recommend a measure for his dismissal. He concluded by thanking the House for the attention with which they had listened to him during the time he had been occupied in stating his opinions on this important question.

Mr. LEACH said, that he could not concur with the original address or the amendment, because they neither convicted nor acquitted the Commander in Chief of the corruption with which he was charged, or of the knowledge of the existence of corrupt practices, and yet they addressed to remove him from the chief command of the army. He would beg leave to take a short view of the question as it appeared to him, and to state to the House the material points which operated on his mind, to the complete exclusion of such a deduction as either, that the Duke

Duke of York had a corrupt participation or knowledge of these transactions.—The Duke of York could not be convicted, but upon the testimony of Mrs. Clarke; a testimony which in his opinion, could not for a moment be credited, where her interest was involved. He would shew first, that her evidence was contradicted by other and unimpeachable witnesses. 2dly, that she, in many instances, contradicted herself; and 3dly, that her testimony was irreconcilable with truth and probability. In the first place then, she was contradicted by Mr. R. Knight, who related a conversation that passed between Mrs. Clarke and him in September, only a few weeks before he was called to the bar, and which, from its nature, could not be supposed to escape the recollection of either the one or the other of the parties. This was a direct and palpable contradiction, as would be seen by reverting to the minutes of evidence: The honourable Gentleman (Mr. Whitbread), whose brilliant speech had last night made such an impression on the House, seemed to think that there was no contradiction in this, because Mrs. Clarke had denied that she intended to expose the Duke of York in the way now done, which Mr. R. Knight understood, and stated to the House to be a general assertion, that she would expose the Duke. He shewed that such was not the true bearing of the passages, and that the contradiction was positive and irreconcilable. They were also directly at issue on the point; whether Mrs. Clarke desired the transaction to be kept secret from the Duke of York or not.

The next contradiction he had to notice was, that between Mrs. Clarke and the honourable Gentleman who brought forward these charges. From a perusal of the evidence it appeared that Mrs. Clarke in her examination on the Wednesday, stated, in the first instance, that she had seen Mr. Wardle on the preceding day, but immediately recollecting to what such an acknowledgement would expose her, on being asked if she was sure of that? she directly replied, that she had not seen him that day, and that she had been at home all that day. In opposition to this, it was in the evidence of the honourable gentleman stated, that he saw her three times during that day—the first time in the morning, about 11 or 12 o'clock, when he rode out with her in her carriage—again, about three o'clock, when he staid with her about half an hour—and a third at night. Thus, on Wednesday, this witness positively denied a fact, which had taken place beyond the possibility of being forgotten on the preceding day.

The next contradiction appeared in her testimony contrasted with that of Mr. Ellis. Not only did she state that she never knew Mrs. Favery by any other name, but also that she never visited her at Mr. Ellis's; whereas it was clear, from the testimony

mony of that very respectable witness, that she not only recommended Favery to him as a servant, under the name of Farquhar, but that she visited her so frequently that he supposed they were nearly related to each other. From all these circumstances, he could not think that Mrs. Clarke was a witness to be believed on any point where her own interest was concerned. He had now to state where her evidence was contradictory in itself, and in this he would not trouble the House with more than one point.—In the case of Dowler she had denied that she had seen that person more than twice since his return from the Continent, concealing from the Committee that she had met and slept with him at Reid's hotel. It was said, that she might naturally desire not to mention this; but was it necessary for her to deny having seen him at all; a matter connected most intimately with the evidence, and calculated to give his testimony a value which did not properly belong to it.

The third part of her testimony on which he had to comment was, its utter improbability. She asserted, that the Duke of York told her she had more influence than the Queen, and that if she was clever she never need be in want of money. Was there a man in the country who could suppose the Duke of York so base as to utter a sentiment of this kind. It could not be the case, and no man pretending to the character of a gentleman, could have done it. If the Duke of York had been so openly lost to every sense of shame, and so grossly corrupt, instead of the four solitary cases they had now before them, their table would have groaned with examples of corruption. The next thing for the House to do was, to see if they could trace a motive in Mrs. Clarke for her evidence against the Duke of York; and here it was that the conversation with Mr. Knight, and the letters to Mr. Adam, clearly demonstrated that she had threatened to expose the Duke openly to disgrace, to accomplish her own purposes, unless he complied with her demands.

There were also some corroborations of the incredibility of Mrs. Clarke's evidence, on the importance of what had justly been called a mysterious note. This note appeared to him to be the hand-writing of the Duke of York; and he could easily account for the mistake in his Royal Highness's mind, that coupling this notice with the charge attached to it in Sandon's evidence, his Royal Highness at once would deny ever having written it. But what did this note prove? It might have been written with the most innocent intentions; and, as no proof of corrupt motives in any other case was brought home to the Duke of York, it was but fair to consider this as written with no blameable design.

He had next to make a few observations upon what had been said

said by Miss Taylor respecting Colonel Freuch and his levy. (The honourable member read the passage from the minutes, where Miss Taylor relates the words of the Duke of York on that subject, in a conversation with Mrs. Clarke). He was not disposed to believe this testimony a complete fabrication on the part of Miss Taylor; but there seemed to him a disposition to communicate only a part. Let it be considered what Miss Taylor had said for herself on this occasion, when she was asked how she came to recollect this particular conversation from so distant a period as four years ago? To this she answered, she had frequently from that time recollected the circumstance; but upon being asked further, she could not in the least recollect what Mrs. Clarke said in reply. But he was certain, and it was impossible it should be otherwise, Miss Taylor could not forget; she had been inclined to suppress a part of the conversation, and thereby to give it a different colour from that which would otherwise have appeared.

An honourable gentleman had last night gone into many presumptions, which he contended bore upon the case. The first was, that the expenditure of the establishment at Gloucester Place greatly exceeded the sum allowed by his Royal Highness, and therefore he must have suspected that the overplus was gained by other means in other quarters. But how stood the matter? The Duke of York had been in the habit of sending money drawn from his banker's, to Mrs. Clarke, which, though it did not admit of legal proof, he stated to amount to five thousand five hundred pounds, and that he also personally gave her sums to a considerable amount, which he would take at two thousand pounds. Besides this the wine and household furniture, were provided by his Royal Highness at an expence of upwards of sixteen thousand pounds, besides the thousand pounds per annum regularly allowed. The establishment was supported partly by money and partly by credit. This was proved by the evidence to be the case in the present instance, for the sale of furniture (he believed, exclusive of the house) amounted to four thousand four hundred pounds, which was allotted to the payment of debts; incurred during the time the establishment was going on, and with the five thousand five hundred pounds from the banker's and the two thousand pounds in money, amounted to the sum of twelve thousand four hundred pounds, being six thousand pounds a year from the Duke of York, for the support of the expenditure at Gloucester-place.

The honourable gentleman had stated another, which he called a remarkable presumption, which was, the coincidence between the time the expensive establishment was formed, and the commencement of the corrupt practices. This interference was fair enough, had it been true, but the easier solution was
to

to be found in this, that Mrs Clarke could not have commenced these practices before her being established under the protection of the Commander in Chief, which gave her the appearance of influence and power. She could not hold out her wiles till her living with his Royal Highness gave a colour to her pretensions. Another presumption was, that as she asked favours for strangers, and not for her friends, his Royal Highness must have suspected that she was rewarded for her exertions. This point had been already so ably refuted, that he would not trouble the House upon the subject.

But, after all these presumptions were got rid of, they were told, that the actions were such as to leave an impression against the Duke of York — In French's levy the corruption was evident; but did it follow that his Royal Highness the Duke of York knew of that corruption? Would not his affection for this woman account for any partiality towards those she recommended, without ascribing it to corrupt motives? But he denied the fact itself; and from reading the evidence upon it, concluded that the Duke of York was perfectly unconscious of the existence of these practices. As for what had been said of every man in this levy costing one hundred and fifty pounds, it was founded in a calculation on false grounds, the whole or great part of the levy being incurred at first, and might as fairly be argued when the first man was enlisted that he cost seven or eight thousand pounds. The issue of this levy proved only that it had not answered the expectation of the Commander in Chief, and was ultimately disadvantageous to the country. But this was not the business before the House, which was to inquire if the Commander in Chief had been guided by undue influence, which did not appear in the case of French, who seemed curiously favoured by being employed in a transaction by which he lost three thousand eight hundred pounds.

As for the exchange between Colonels Brooke and Knight, as the Duke of York was not connected with it, he would pass it over. The case of Carter seemed also to be disposed of by the House. There was no proof of the fact, and he did not believe that his Royal Highness knew that the Samuel Carter promoted by him, and recommended by Lieutenant Sutton, was the same person whom he had seen behind Mrs Clarke's chair or her carriage. Mrs. Clarke appeared to have a wish to serve this person, and it was therefore likely would conceal any thing calculated to defeat his promotion, and particularly such circumstances as these. Thus, nothing was corroborated that Mrs. Clarke had urged against the Duke of York, and he was ready to come to a vote whenever it might be put, directly negating the charge of any knowledge of corrupt practices.

But there was another point on which he had some hesitation in expressing his opinion. He could not see any grounds for Parlia-

mentary interference at all in this matter, or what right they had to vote addresses or resolutions on the subject. No man would say that they had such a right, upon an abstract principle of one more crime being committed. This was, then, a question of extent and quality; and the extent was so small, that he could not think there was a fair ground for their interference. He lamented, as every one must do, that such a connection had ever existed, and such an exposure taken place. But this was not a Court of Moral Censure, but of Judicial Inquiry into the official conduct of the Commander in Chief. He knew of no mode of better performing their duty as Members of that House, than to examine the evidence carefully, and to pronounce a verdict according to their own judgments founded upon that evidence. If they were influenced by any opinion out of doors, they were departing from their duty, and it was a libel to say that any general sense had been impressed upon the public mind in this great question. The public well knew that they had the case incorrectly before them. They well knew that much depended on the character of the witnesses—they well knew that much serious consideration was due before coming to a decision on this painful question, and he was persuaded that all that was just and rational was to be expected from the public mind, and that they would sanction what he had said.

Lord FOLKSTONE observed, that since he had heard the arguments of the Honourable and Learned Gentleman who had just sat down, he was glad that he himself had not spoken sooner; for while he agreed with him perfectly that the House was to decide upon the evidence, the examination of that evidence had led him to a far different conclusion. Before, however, he adverted to what had fallen from that Honourable Gentleman, he must offer a few remarks on several matters which had come from some of the Honourable and Right Honourable Gentlemen who had delivered their sentiments on this subject. There could be no doubt of the regularity of their proceedings, and in this respect he fully agreed with a Right Honourable Gentleman on the floor (Mr. Banks). The Honourable Gentleman who proposed that proceeding, had explained its nature in a few words, and fully demonstrated to the satisfaction of the House, that the course he recommended was neither involved in intricacy, nor embarrassed with difficulty. It was perfectly clear, that no question could exist as to its regularity, and he was confident that no doubt could be entertained as to its propriety. The reason which the Honourable Gentleman assigned for the present mode of proceeding which he had recommended, was, that he did not think the case such an one as ought to be met by Resolutions, and therefore he had proposed an Address according to the original motion, and differing only in form. He had also stated, that it was desirable to reduce the whole into one connected question, which it would not be difficult to decide upon;



Engraved by Hopwood, from a sketch by Rowlandson.

Lord Folkestone?

and in order to prevent the case from being split and divided, as in the manner proposed by the Honourable Gentlemen opposite.

With respect to what had fallen from the Right Honourable Gentleman upon the floor (a topic which had been touched upon by the learned Gentleman towards the close of his speech) as to the influence which public opinion ought to have upon the proceeding of that House, he could not conceive to what it applied. He was sure that there had been nothing in the speech or address of his Honourable Friend *, nor in the address of the other Honourable Member †, that could afford a ground for supposing that they had been framed with a view to meet the bias of public opinion, or that the House was called upon to agree to either for that purpose. Of this he was certain, no attempt of that kind was intended; and if it were, he would be the last man to attempt to justify such an attempt. He remembered a few years ago, he had ventured, with some friends, to avow sentiments and opinions in that House, in the teeth of a very strong impression of public opinion, for which at the time they had been held up to the odium and execration of the public. He could appeal to what passed on that occasion, whether he was a person likely to fall in with public opinion, unless it was consistent with his own best judgment to do so.

In commenting upon the motion which had been submitted that night, the Right Honourable Gentleman had observed that they were bound to impute the most proper motives to their Members for any course they may think proper to recommend. That observation seemed to imply that improper motives were to be ascribed to his Honourable Friend, who had instituted the business under consideration. But he could confidently appeal to the whole of his Honourable Friend's conduct, from the beginning of the investigation, to shew that no such motives, nor any undue feeling, could be attributed to him. He was sorry, therefore, that any Honourable Member should have gone so much out of his way to impute improper motives to that Honourable Gentleman, when it was so obvious that he must have been actuated by motives of a fair, open, manly, and honourable nature only. In the course pursued, he had been guided by principles of the purest patriotism, by an upright desire to attempt to overthrow those abuses which were proved to have existence. There was another observation in the speech of the Right Honourable Gentleman, which, though not equally offensive with that he had alluded to, was still no less strange and unaccountable. That Right Honourable Gentleman had said, that he was of opinion that the result of the present business would be injurious rather than beneficial. Good Heavens! was it not extraordinary, when abuses were proved to exist—when Gentlemen themselves admitted that his Royal Highness had formed a connec-

* Mr. Wardle.

† Mr. Bankes.

tion which made him liable, under the fascinations of his mistress, to do improper things (*No! no! no!*) which was in itself improper, and in the course of which abuses had taken place, that such a person, who was himself an advocate of reform, should have made use of such expressions? It was his own opinion, that if any thing could be beneficial to the country, it was the detection of abuses; and if the House would pursue its views, and prosecute the great business of detecting abuses, exposing delinquencies, and punishing offenders where offenders should be found to exist, it was his firm conviction that this proceeding, which originated with his Honourable Friend (Mr. Wardle), for with him it had originated, would be more beneficial to this country, and do more to defend it against all foreign foes, than any thing that could happen in the ordinary progress of its affairs.

But, before he should come more particularly to notice the Learned Gentleman's statement, he had an observation or two to make upon a topic which had been adverted to by the Right Honourable Gentleman upon the floor. That Right Honourable Gentleman had, before the close of the proceeding, the Report of which they were then considering, called upon several General Officers, Members of that House, and examined them touching the discipline and state of the army. That state of the army as proved in the evidence so obtained, the Right Honourable Gentleman had urged as a defence of the Duke of York. Admitting the state of the army to be such as was represented, and of his own knowledge, he did not know whether it was or was not so, admitting all this, whether the army was or was not highly disciplined, it had nothing to do with the question. If the punishment of the Duke of York was the matter in issue, the state of the army might be urged in extenuation.

The Right Honourable Gentleman* had made various technical objections to the Address proposed by his Honourable Friend, whom he represented as having preferred a charge of corruption, and then shrunk from taking the opinion of the House upon it.—In order to ascertain whether his Honourable Friend had flinched or not, Gentlemen had only to look at the Journals. A speech was to be answered by a speech—a matter of record by a matter of record. Now, whatever his Honourable Friend had said in his opening, the whole that appeared on record was “That a Committee be appointed to investigate the conduct of his Royal Highness the Duke of York, the Commander in Chief, with regard to promotions, exchanges, and appointments to commissions in the army, and staff of the army, and in raising levies for the army.” There nothing appeared about corruption—and if they carried a Resolution containing a direct negative of the charge of corruption—the word corruption would first appear in their Resolutions, and some

* Mr. Perceval.

years hence, on inspecting the Journals, the very circumstance of finding a negation of corruption, where no corruption had been charged, would afford a presumption that it had appeared to many that there had been good grounds for such a charge.

Among the various imputations against his Honourable Friend, it had been said that he had consulted cooler heads than his own, and more designing men. He was sorry that insinuations of that kind should have escaped Gentlemen, if they thought that his Honourable Friend had applied to cooler heads and more designing men than himself, in drawing up the Address; and if they thought that circumstance of any use in the argument, why did they not plainly state who these cooler heads and more designing men were? He certainly was not aware who they meant; but whether the Address was really the production of his Honourable Friend or not, when he produced it in Parliament, it became his—his was the blame, and his the merit; and he thought it almost disorderly for Gentlemen to be coming forward with their insinuations about cool heads and designing men. The Address certainly did his Honourable Friend credit, and he would cordially vote for it. If it did not go to the full extent of the statement in the opening speech of his Honourable Friend—if it did not come up to what he thought the evidence justified, could the Right Honourable Gentleman conceive no reason of delicacy for this? He, however, saw a great deal in that circumstance. Although a fuller and stronger statement might have been well borne out by the evidence, yet if the House expressed enough to answer the purpose, he thought it was wise to withhold what might wound parental feelings of the most honourable kind. A considerable degree of delicacy was due to a person who was removed so few steps from the succession to the Throne. These were the motives which actuated his Honourable Friend, and not what the Right Honourable Gentleman called flinching. And these were the motives which influenced him to support his motion.

With respect to the charges, not on the record, but contained in the speeches, which had been made during the business, that the Commander in Chief had been guilty of corruptly assisting his mistress, by allowing her to make profit by using her influence for obtaining military promotions, and secondly, for participating in such profits, the charges in his opinion, were fully made out. But the chief evidence in support of these charges, was derived through Mrs. Clarke. By the labours of the Right Honourable Gentlemen opposite, Mrs. Clarke, whilst they were attempting to throw discredit upon her testimony with the House, had been made to prove every part of these charges most fully. It had been said, on a former night, that persons, blinded by the fascinations of Mrs. Clarke, could not be impartial on a question respecting her testimony. He knew not whether the imputation was intended

for him, but he could confidently state that he was influenced by no bias in the view which he proposed to take from her evidence, and that of the other witnesses, by whose testimony it had been corroborated. A Learned Member (Mr. Burton), who was himself a Judge, had on a former night, in commenting upon Mrs. Clarke's testimony, attacked it as the testimony of an accomplice, and stated that it ought not to be received, unless corroborated by the evidence of other unimpeachable witnesses.

Mr. BURTON here interposed, as he said, for the purpose of saving the time of the Noble Lord and of the House, by re-stating what he had said on the occasion alluded to. He did not think he had said, but he was certain he did not mean to say, that an accomplice was not to be received as a witness, but not to be believed unless corroborated by other unimpeached testimony. An accomplice was a witness, competent, but not credible, except corroborated.

LORD FOLKSTONE resumed. He was persuaded that there was but little difference in the distinction of the Learned Gentleman, that an accomplice was to be received, but not believed as a witness. He would read to the House, not what he could take upon himself to say, but what he understood from those better qualified to judge, was understood to be admitted and acknowledged law upon this subject, and he should then leave it to the opinion of the House whether there was any thing in the distinction of the Learned Gentleman. The authority from which he was to quote was the fourth book of Mr. Leach's Report of Crown Law. The case to which he would refer was that of James Martin and Thomas Robbins, who had been tried for highway robbery upon the simple evidence of an accomplice. The robbery had been committed on a night so dark as to preclude the possibility of the party robbed being able to identify the robbers. One of the three was admitted an evidence, and the other two were convicted upon his testimony. The case however, was reserved by Mr. Justice Buller, and the decision of the twelve Judges was unanimously given, "that an accomplice alone was a competent witness, and if the Jury weighing the probabilities of the case should think him worthy of credit, and convict the accused party, that such conviction was legal: that the distinction between competence and credit had been long settled (*Hear, hear, hear*): that if any question respecting the competence of a witness arose, the Judge was to determine it; but that on a question respecting credit, it was to be left to the Jury to decide, whether the witness was worthy of credit." (*Hear, hear, hear.*) By the cheering of the Honourable Gentlemen, they seemed to think they had gained some advantage, but he was ready to add, what would shew, that he had no wish to take advantage of them, because it made against his own argument. It was held, that this case was not accurately reported

ported. It should have been reported, "that the Judge, in summing up, ought to warn the Jury against believing such witness, "but if they should give him credit, and convict, that such conviction was legal." The reason why he quoted this case was not to shew that the testimony of an accomplice was not to be weighed, but that it was not correct to say, that the testimony of an accomplice was not to be considered, unless corroborated by other testimony. On this point, of the credibility of the testimony of accomplices, he should be glad to hear the Solicitor General, who had been counsel on an election committee where a case of a somewhat similar nature had occurred. He would appeal to him whether the figure made by Maltby, by Donovan, by Sandon, or any of the least credible witnesses in the present inquiry made any thing like so bad a figure as that of one Drake who had been a witness on that occasion; yet he recollected that the Learned Gentleman supported the testimony of that witness by an able speech. But he would not lay too much stress on the arguments of counsel, lest he should again meet with a reproof from the Attorney General, for assigning them a degree of weight which they did not deserve. He would, however, call the recollection of the Learned Gentleman to the conversation which he then had with him, when he contended that if we were to exclude the evidence of accomplices, we could in many cases have no evidence at all.

The House should recollect, that if in this case they determine to reject the evidence of Mrs. Clarke, merely because she appeared to be an accomplice, without going into the probability of the truth of her evidence, and comparing it with the circumstances to which it referred, the House would cut itself off from all evidence upon some of the most interesting, because most important matters that ever could come before it; for in that case the House will have refused to say that the Duke of York was guilty of the Charges which had been exhibited against him, not because the House did really not believe the truth of what Mrs. Clarke related, but because it was a rule that an accomplice ought not to be believed. If the House should be guided by a principle of this kind, they would deprive themselves in innumerable cases of all the means of deciding upon matters which might be brought before them.

With respect to the testimony of Mr. Clarke, it had been urged against it that her motives cast a cloud upon her evidence, and that therefore she was not to be believed. This point had been so well and so ably argued last night by an Honourable Gentleman *, that it would be necessary for him but briefly to refer to it. From the evidence it appeared, that Mrs. Clarke had passed four or five days at Hampstead, destroying and burning her papers. If these papers had not been burned, they would in all probability he now

* Mr. Whitbread.

printed, and on the table of that House. Here he must observe, upon an argument which had been used, that, if it was true as had been charged, that Mrs. Clarke had supported her establishment by employing her influence with the Duke of York in procuring military promotions, as ten thousand such appointments had taken place whilst she was under the protection of the Duke of York, the table might be covered with cases. But if the papers, which Mrs. Clarke had destroyed, had been preserved, there might have been many more cases brought forward. Mrs. Clarke could not remember all that had passed four years ago, and so far from thinking it surprizing that so few cases had been brought forward, he thought it wonderful that so many had been produced, and so well made out.

He should next remark upon the offensive way in which the manner of bringing this business forward had been observed upon, and his Honourable Friend represented as the agent of Mrs. Clarke. Those who held such language could not of their own knowledge know any thing of the matter, and, in his opinion, they had no right to represent the case as they had done: But the fact was, that the case was directly the reverse. His Honourable Friend had been in town presenting these cases, and providing the materials of bringing them to some effectual issue long before he had known Mrs. Clarke. He had acted upon the occasion, in an open, fair, manly, and patriotic manner, which justly entitled him to the Thanks of that House, and to the gratitude of the country. In the progress of his inquiries, his Learned Friend found that he could not substantiate, by proof, the cases he was investigating, until he could find Mrs. Clarke. The difficulties he had to encounter in his progress, were such as would have deterred any person of a less decisive character, or of a mind not so courageous. Some time elapsed before Mrs. Clarke could be found: whatever Gentlemen may think, there was some difficulty in finding that lady. (*A laugh; and Hear, hear.*) He stated what was the fact. What he knew to be the fact. Mrs. Clarke was his Honourable Friend's witness. It was he that had brought her to their bar. It was to support his charges; and at his instigation that she was called to give the evidence which she had done at the bar of that House. He knew the fact to be so, and had no motive for misrepresenting it, and it was therefore with surprise he had heard it stated or insinuated against his Honourable Friend, that he was the agent or instrument of Mrs. Clarke in this business.

He should here state by the way, that it had been objected against Mrs. Favorey's evidence, that it was marked by forgetfulness. Was that the failing of Mrs. Clarke's testimony? He could appeal to the recollection of the House, whether want of memory had been the defect in her evidence, or whether she had not in every case outrun the progress of examination, and detailed cir-
cumstances

cumstances often by no means connected with the immediate subject of inquiry ? A great part of the matter in proof had come out as it were by accident, in her various examinations ; and, however, extraordinary some of her declarations appeared at the time, they had all turned out to be founded in fact. Many of the cases had been mentioned by her when she had every reason to suppose that the documents which could substantiate them, had been destroyed at Hampstead [*Hear, hear*]. When she first mentioned General Clavering, was she not disbelieved ? When she mentioned Dr O'Meara, was she not discredited ? Was not the case the same in almost every other instance, and yet when the papers were produced, had she not been found correct and well founded in all her statements ? It was therefore not a defect of memory that was the fault in her evidence. She did forget however, and did not hesitate to state it. She forgot Tonym's case, and even after she had seen the examination of Sandon, declared that she did not remember more than she did before. If she had been engaged in a conspiracy, could she not have stated that she recollected it ; could she not have said, after having passed a night on her bed, that she then did call to mind the transaction ? She had said the same of the note, and yet when it was shewn to her, she instantly admitted it was the Duke's writing, and that Sandon must have stolen it from her. Had they not seen the witness Sandon at their bar ; did they not hear his evidence, and were they not aware of his motives for concealing this note ? He believed him capable of stealing the note, and he was sure the House could not be of any other opinion.

He had here an observation to make upon that note, which had been erroneously called a mysterious note, but which he most solemnly believed to be the hand-writing of the Duke of York. Of this he was convinced from the following consideration. The watermark upon the paper was dated 1803 : the writing was in an obscure manner ; it was addressed to a feigned name ; the termination of the note itself "God bless you ;" and a blur which appeared towards the bottom upon it. This last circumstance amounted to a strong internal evidence of the authenticity of the note. An Honourable Member, whom he did not see in his place, had made the ingenious remark upon this note, that if any person had intended to forge it, where the writing was so small in quantity, he would rather write it over again than retain it with that blur. Then there was the testimony of Colonel Gordon, Generals Brownrigg and Hope, and of the Learned Gentleman (Mr. Adam) all of whom admitted that the hand-writing was like that of his Royal Highness, and none of them would say that it was not his hand-writing. He lamented calling persons to prove the hand-writing by comparison, and hoped it was a precedent that would not be followed. The principle of such a judgment was defective, for a person wrote various from various accidents, as they might occur at a moment ; something

thing might depend upon the paper, something upon the person, much upon the state of nerve, or upon the humour at the time he wrote. A difference would take place in the hand-writing according as the subject might be agreeable or disagreeable; and a thousand reasons might occur to make a difference in one hand-writing, and therefore he must protest against the precedent of examining the note in question, by comparison of hand-writing; but as it was done, the result was, that this note, after all, was the hand-writing of the Duke of York, as appeared by the evidence of three witnesses out of the four who spoke to the hand writing; and the one who dissented to the opinion of the others, had disabled his own judgment, by proving that for many years, he had been wholly employed in examining nothing but signatures, and the note in question had no signature.

In order to invalidate the testimony of Mrs. Clarke, the Right Honourable Gentleman and the Learned Gentleman who had just spoken, had adverted to some contradictions in her evidence. The Learned Member (Mr. Burton) had stated on a former night that these contradictions were not fewer than twenty-eight in number; but he had particularized a very small portion of them. He was, therefore, left to consider those imputed contradictions which had been observed upon by others. The first contradiction was that in which her testimony is supposed to be invalidated by that of Mr. Knight, about the injunctions to secrecy from the Duke of York. But the transaction occurred four years ago, and it was natural to think that she would be anxious not to make any incautious exposure of her practices, lest they should be put a stop to. As to what had been said of the husband of Mrs. Clarke, who had been supposed to have been only a stone-mason, and a person of mean circumstances, although Mrs. Clarke had said he was a man of property, he had to observe to the House what he did not offer as evidence, but observatson, that had his time not been taken up so entirely as it was during the examination in this case, he should have learned what he had afterwards learned, namely, that Mrs. Clarke was correct in stating that her husband's father was a man of property; for although he was called a stone-mason by some, he was, in short, a builder of considerable property, kept a carriage and four horses, left his widow rich, and she lived in a splendid manner. He left also eight children, four sons, and four daughters, to whom he left, he believed, two thousand pounds a piece, but the husband of Mrs. Clarke, being of a dissipated turn, soon ruined himself and his wife, which was the foundation of her misfortune.

The CHANCELLOR of the EXCHEQUER called to order, and observed, that if the Noble Lord were now examined as a witness, he would not be heard in stating these matters, as they were only hearsay, and the House would hardly hear that in a speech which it would not allow a witness to state.

Lord

Lord FOLKSTONE said, he did not offer what he had to submit as evidence, but as mere statement; but other Gentlemen had been allowed to make statements of facts, particularly the Learned Gentleman who spoke last, which could only depend on hearsay. Such was the case with reference to the sum of money which the Duke of York had allowed to Mrs. Clarke for the support of her establishment.—(*Hear ! hear !*)—But as it had been objected to, he should not persist in it. As to Mrs. Clarke having been called Mrs. Dowler, there really was nothing in it, for having passed under that name at an hotel was a thing pretty much of course; but no goods had been sold to her in that name, nor any credit given to her in any manner whatever in that character. Nor was the case made clearer by the evidence of Mr. Nicholls, of Hampstead, who called himself a baker. He believed the Chancellor of the Exchequer knew pretty well whether he was a baker or not*. As to what Mrs. Clarke said in her evidence, that the Duke told her, that if she was clever, she need not apply to him, it was met with a general observation, that the thing was improbable. Why? Yes (said his Lordship) the thing was certainly improbable; it is a highly improbable thing that a Royal Duke should mix himself in transactions so dirty! It is very improbable, certainly, that a Royal Duke should allow his mistress to traffic in the sale of Commissions in the Army of which he is Commander in Chief; but if he has actually done it, where is the sense in talking about the improbability of it?—As to the evidence of Dowler, it had been said that he had disgraced himself, because he had concealed his having been at Reid's Hotel with Mrs. Clarke; now, that was not a misrepresentation of a fact—it was of no importance one way or other—it was at most but an insignificant concealment. But it had been said, that it was ridiculous to suppose, that the thousand pounds, said by Mr. Dowler, to have been given to Mrs. Clarke, had been given for an office under Government. The answer to that was, that the money was actually paid, and that the office was actually obtained, and that through Mrs. Clarke's influence with the Duke; for no other person appeared in the whole transaction, but Mrs. Clarke, the Duke of York, and the Printer of the Gazette in which the appointment was announced. And as to the objection which was stated, that the father of Mr. Dowler, who was a prudent tradesman, who was said to have lent the money, was not likely to do so, to enable his son to bestow it upon Mrs. Clarke; it was answered, first, that the fact was so, secondly, that there did not appear much imprudence in a father who laid not one thousand pounds to procure to his son three hundred pounds a year. But

* Here there were some murmurs, as if this was felt as an illiberal insinuation; for what reason did not transpire.

this was said to be an infamous conspiracy between Mrs. Clarke and Mr. Dowler, to slander the character of his Royal Highness the Duke of York. This was asserted, but there was no proof of it; nor was there of many other assertions which had been made against many of the witnesses; and it might be taken for granted, that if no proof was adduced on these matters, it was because there was none in existence; for if there was, the zeal, diligence, and activity of Mr. Lowten, Mr. Wilkinson, and other agents of the Duke, would have been able to produce it. It had been argued, that because Miss Taylor did recollect precisely the phrase that had been made use of, that therefore she ought not to be believed. She never had seen Colonel French; and it must be allowed, that the expression, if used, was a very remarkable one, and likely to be remembered. If she had visited Mrs. Clarke, it should be recollected that she was a relation of her's; and was Miss Taylor to be held up to the country as a liar, who was totally unworthy of credit, for no other reason but that her brother had married Mrs. Clarke's sister? The examination had already proved of the most serious consequence to Miss Taylor; and it was hard, that she should be set down as altogether unworthy of belief, merely because she was connected with Mrs. Clarke, and therefore associated with her. It must occur to the Honourable Gentlemen on the other side of the House, that there were numerous instances among the higher orders in life, where not only men but women of character did associate with females, whose characters were very doubtful, and perhaps very little better than that of Mrs. Clarke. Now, there ought to be something of equal justice among the different orders of society, and that equal justice would not be done, if Miss Taylor was to be discredited, because she did not belong to the higher class of society, and because her parents were poor. The examination of Miss Taylor had been conducted in such a way that it had produced her absolute ruin. Her father was a ruined man, her mother in jail for debt, and she, a virtuous young girl—he should repeat, a virtuous young girl; and however the Gentlemen on the other side of the House might laugh at the term, he would say there was nothing in the evidence, nothing in the deportment of Miss Taylor at the Bar, which justified them in their merriment, or at all contradicted the justice of the term as applied to her—he would repeat, this virtuous young girl, when her family was in such distress, took a boarding school for the support of herself and her younger sister. She had a dozen pupils before she was summoned to attend that House as a witness, and in consequence of the answers which had been extorted from her in the course of her examination, nine of them had been withdrawn. Her creditors soon found out her misfortunes, and no time was lost in laying an execution on her goods; her furniture had been all seized, the carpets torn off the floors, and she herself obliged to seek

seek an asylum in a friend's house. And yet although such distress and ruin had been occasioned in her little establishment, it appeared that all the debts which she owed in the world amounted only to about 120*l*.

The Noble Lord said he did not mean to impute any intentional harshness in the cross-examination, either to his Right Hon. Friend,* nor to the Right Hon. Gentleman opposite† without having any personal acquaintance with that Right Hon. Gentleman, he was perfectly convinced, that he would be one of the last men in the House to be guilty of such a harshness intentionally (*hear, hear.*) He did not mean to say, that such a course of examination might not have been necessary, and he was sure that the Right Honourable Gentleman would not have resorted to it, if he had not thought it necessary; but he could not give the same measure of praise to others. If there was in that House a Member who had gone about in all directions to find out evidence to impeach Miss Taylor—if having previous opportunity of examining in private the witness he meant to bring forward, he yet chose to bring forward at random those charges against her which made a cross-examination necessary, which was so useless to the main point at issue, but so painful to the feelings of the witness, he would say that to the want of care and want of candour of that Hon. Member, this cruelty was to be imputed. If Miss Taylor is now to be considered a credible witness, she must be considered in the same light on every other occasion, as the same reason must always subsist, namely, that her parents were poor, and that Mrs. Clarke was her sister-in-law.

As to the contradictions of witnesses at the Bar, he really was not surprised if Mrs. Clarke had fallen into some contradictions; but he was really surprised that she had not fallen into more. When a woman was placed at the Bar, surrounded by Gentlemen whom she had never seen before, examined in an irregular manner, and for such a length of time that she was ready to drop from fatigue, it was really wonderful that she had fallen into so few contradictions.

He must claim the indulgence of the House in expressing an opinion very different from what had been generally given with respect to the evidence of Colonel Gordon. Most Gentlemen who had spoken appeared to admire his wonderful memory and accuracy of statement. He considered it in a very different light. In the first place, he thought that Col. Gordon, when at the Bar, exhibited a flippancy, a superiority of manner, and a dictatorial way of giving opinions to the House, which was by no means proper for a witness at their Bar. He could have hardly assumed a more dictatorial man-

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* The Solicitor-General.
No. XXX,—V, 2.

† The Chancellor of the Exchequer.

ner if he had really been Commander in Chief, as his evidence went near to establish. It had been imputed to Mr. Dowler as a great fault, not that he stated what was false, but that he concealed the truth. Now it appeared to him, that this charge seemed to apply more strongly to the testimony of Colonel Gordon. On the first day he was examined, he did not say a word about the pencil-marks which had been written on the official document respecting the exchange of Colonels Knight and Brooke. This most important fact was only discovered accidentally, when he was ordered several nights after to produce other documents. Colonel Gordon, at the early part of his examination, declared that it was an invariable rule that inferior officers could never rise above their superiors in the same regiment. It afterwards however turned out that this invariable rule had been oftentimes broken, as in the instances of Colonel Shaw and others. Colonel Gordon had said that he never knew an instance of a person being promoted to the rank of Captain without service, and when he was examined on the charge respecting Captain Maling, this evidence appeared most conclusive. The charge appeared to have so completely failed in the proof that his Right Hon. Friend wished to withdraw. (*No, no! however, resounded from the other side of the House.*) The friends of his Royal Highness triumphantly state, that this charge having been once brought, must be disposed of. It happened that a question or two more put to Col. Gordon, proved that there was another Captain Maling, who had been raised to that rank without seeing any service, and with whom Colonel Gordon was intimately acquainted, on meeting him every day in his office; and with respect to whom the charge did apply. The mistake which his Hon. Friend had made, was only about Christian names, and yet Colonel Gordon never chose to say any thing about the other Captain Maling, to whom he knew the charge did apply, till a direct question was accidentally put to him, which he was of course obliged to answer. Did not this conduct in Colonel Gordon look like a wilful suppression of facts most important in the case? Colonel Gordon had also represented at first, that it was impossible that the Duke of York could expedite the exchange; and that every attempt of that sort must be extremely futile, and would not expedite it one half minute. From the evidence, the natural impression would be, that the Duke, could not have interfered, as his interference would have been futile; and yet, afterwards he stated, that he did not mean to say the Duke might not forward it at all, in the course of the negotiation in consequence of such application; but that after was accomplished his Royal Highness had not power to prevent the promotion three days intervening prior to its being Gazetted.

He found himself also obliged to make some observation, he hoped

hoped it would be without offence, on some contradictions in the testimony of an Honourable Member*. In the first place, that Honourable Gentleman had stated, "that he was for a long time perfectly acquainted with the pecuniary transactions of his Royal Highness, who stated to him all his embarrassments with the greatest accuracy; and he could take it upon himself to say, that Mrs. Clarke's account of loans negotiated for the Duke of York was untrue." Afterwards it appeared by his own evidence, that he only knew a part of the Duke's pecuniary arrangements; and it had been proved by Mr. Comrie, that Mr. Adam himself did know of a negotiation for a loan for 10,000l.; afterwards it appeared by the evidence of written documents, that he did know of, and was applied to by Kennet, who proposed to negotiate a loan for the Duke of no less than 70,000l. to be secured by annuity. There appeared another very great contradiction in the evidence of Mr. Adam. He had stated that he recollected from the investigation that he had set on foot, that the cause of separation between the Duke and Mrs. Clarke was something about a bill and goods delivered. In this he appeared to be contradicted by the men who conducted the investigation, as neither Mr. Lowten or Mr. Wilkinson confirmed this statement. The Honourable Member also asserted, on the part of his Royal Highness, that the Duke had assured him that he seldom, or he might say never, permitted Mrs. Clarke to speak to him about military matters. That assertion, however, had been most completely disproved by the Duke's letters.

Now, when it was shewn that both Colonel Gordon and Mr. Adam had fallen into those inconsistencies in their evidence; when it was recollected that those Gentlemen had been examined with all the tenderness and respect due to their rank in life, and that Mrs. Clarke, on the contrary, had been examined in a hostile way, and for a much greater length of time; it would not be surprising that she should have fallen into some contradictions on lesser points, when those Gentlemen had fallen into contradictions on essential points. It would be recollected that Mrs. Clarke had been examined eight times, for near three hours at a time; that she experienced no favour, but, on the contrary, was examined on every subject which it would be most painful for her to answer on; and some of those contradictions, which had been relied on, had come out at the end of such a long and harrassing examination, that contradictions might naturally be expected. Considering all the unfavourable circumstances

* Mr. Adam.

under which she was examined, he really thought that she was as good and creditable a witness as ever attended at the Bar of that House. When the Twelve Judges had laid it down, that an accomplice, if considered a credible witness, was sufficient to prove a case, even where the life of a subject was at stake, he should say that believing Mrs. Clarke to be, in every respect, a credible witness, it was his firm opinion, that by every principle of law and reason, the Duke should be considered guilty of the greatest corruption—that the case did not rest on the testimony of Mrs. Clarke alone, for never was the evidence of any accomplice more fully corroborated.

The first strong circumstance of corroboration was, the expence of the establishment in Gloucester-place. He was surprised, that the Learned and Hon. Gentleman, who had preceded him,* had travelled out of the record, and argued upon things merely asserted, as if they had been proved. What sort of a story was that which had been told about the Duke's manner of drawing on his bankers? If the Duke wanted 200l. and meant to give 100l. to Mrs. Clarke, is it credible that he would have taken the trouble to draw two drafts instead of one? If she had even received the sums stated it would not be wonderful, as she was known to be a thoughtless woman, of dissipated and expensive habits. Mrs. Clarke, however, did not forget, but stated particulars, which could not be contradicted. She had said, that in her establishment in Gloucester place, she kept six or eight horses, two carriages, eight or nine men-servants, man-cook, &c. , that she entertained expensively, gave champagne, and lived in the highest style in town; and that she had besides, a country-house, where two or three servants were always kept. Now, whether the Duke allowed her one thousand a-year, or two thousand, it was evidently insufficient to support such an establishment. It appeared to him that less than 10,000l. a year would not have done it. He was sure that he could not keep up such appointments under 10,000l. a year, but he should suppose that such a thoughtless woman as her would have expended above double that sum. That the Duke did not allow her money sufficient to support this establishment, was a thing that was highly probable, when it was considered that the Duke was at that time a most distressed man, as she had represented him to be. The loan that he was negotiating with Kennet at that precise time shewed that he was a very distressed man. It appeared that in consequence of this negotiation about a loan, Kennet was recommended by the Duke of York to a high situation; and it was contrived that Sir Horace Mann should

* Mr. Leach.

He applied to to support this recommendation, in order to make it appear more regular. This Kennet was known at the time to be a man of the worst character, and afterwards stood in the pillory. Now if Kennet, instead of applying for himself, had happened to have had a son a Captain, whom he wished to be promoted to a Majority, could any body doubt but that it would have been done for the corrupt consideration of the loan that was to be negociated? Who would then believe that being ready to recommend Kennet, or any body who would negociate loans for him, being distressed as he had been proved to be, having a woman whom he loved so passionately, and whose wishes he was so unable to gratify (*a laugh*), he could have refused to allow her to receive some money for her interference in the disposal of a few commissions?

Before he concluded, he could not avoid paying his tribute of admiration to the firmness which had been displayed by his Honourable Friend in bringing forward these charges, and in the investigation which had so long occupied the attention of the House. He had had to struggle against the authority and influence of the Duke of York in the plenitude of his power, and at the head of an army more extensive, and regulated in a more arbitrary manner than at any former period. He had to contend against Ministers, who took upon themselves the situation of Advocates for his Royal Highness, rather than his Judges. He had been impeded in his investigation, by unwilling witnesses, from whom it was almost impossible to extract the truth: After his Honourable Friend had first brought forward his charges, he could not avoid hearing his expulsion rumoured; and yet notwithstanding all those obstacles and difficulties, he had come forward manfully to his case, and had proved it, as he conceived, to the perfect satisfaction of every unprejudiced man. It was to be recollected also that a threat of infamy had been thrown out against him by a Right Hon. Secretary* in the most offensive manner: That Right Hon. Gentleman well knew how to assume the most offensive manner. (*A cry of Order*).

The SPEAKER, in a mild tone, suggested to the Noble Lord the propriety of abstaining from personality.

He would say that he did not believe that the Right Hon. Secretary meant to apply this term to that conspiracy which had been talked of, as his meaning was endeavoured to be explained away by some of his friends, but that he did not mean what he said, that infamy was to attach either to the accused, or to the accuser, and he had repeated the word accuser, every time he had opened his mouth since. The evidence was now over, and his Honourable Friend had not only

* Mr. Canning.

proved his charges, but had proved a great deal more than he had stated, and yet the Right Honourable Secretary had not yet had the civility to retract that expression. If then the Right Honourable Gentleman should not express by his vote that the infamy attached to the person accused, and did not withdraw the expression with respect to the accuser, he thought that if infamy must attach somewhere, it should remain with him who had used the expression. This threat appeared to be thrown out with no other view than to damp the zeal and exertions of his Honourable Friend.

Another Right Hon. Gentleman*, who at first talked of a Jacobin conspiracy, had the manliness to disavow any intention of applying the term in any degree to his Honourable Friend. This was a degree of manliness which he hardly expected to meet from the Right Hon. Secretary.

Another Right Honourable Gentleman, who commonly sat on the same side of the House as himself†, had also taken upon him to throw down the gauntlet to his Hon. Friend, and to animadvert on his conduct, because, forsooth, he had not taken his sage advice!—Even the getting witnesses to give evidence at the bar of the House, was a matter of the utmost difficulty. It was viewed with equal horror, as if the persons called on had been to be carried as culprits to the bar of the Old Bailey. Now, however, instead of infamy, his Honourable Friend would be loaded wherever he went, and by every denomination of men, with honour, love, and popularity; and he hoped the vote on this debate would satisfy the expectations of the people. Gentlemen seemed to object to the idea that the sentence of that House was to be judged of by the country. He said it was. It was publicity Gentlemen said they wanted. That his Royal Highness demanded public examination, and public acquittal; and why did they now complain of what they formerly demanded? The accounts of the proceedings of this Inquiry, so far as he had seen them, were astonishingly correct; but the public would not have to judge from garbled accounts; there were able men out of doors, who would see that the people were not led astray.

Before he sat down, he could not avoid saying, that the House had now an opportunity of retrieving, what he believed they had lost in public opinion. He could recommend to them nothing better than to recollect that prayer which was always said before the House entered upon business, imploring the Lord “to enable them to lay aside all private interests, prejudices, and partial affections.” If they did so, and came to the vote as Judges, and not advocates, he had

* Mr. Yorke,

† Mr. Sheridan.

little doubt of the result. His feeling was for a resolution much stronger than what was proposed ; he should however, give his vote most sincerely in favour of the original address.

Mr. YORKE in explanation said, that he never had intended to insinuate the Honourable Gentleman who had brought forward the charges, was in any degree implicated in a conspiracy.

Mr. ADAM vindicated the evidence which he had given before the Committee, from the reflections that had been thrown upon him by the Noble Lord. He had passed a long life, he trusted, with honour and integrity. He had commenced his public career before the Noble Lord was born. He had the honour to sit in Parliament as the Representative of a respectable county, and he hoped that his political conduct was not liable to any imputation of incorrectness. It was natural for him, therefore, after the observations which had fallen from the Noble Lord, directed against his testimony, that he should wish to set himself right in the opinion of the House and of the Country, and he trusted that he would be able to satisfy every Member of the House of Commons, not even excepting the Noble Lord himself, that the evidence which he had given was not only true, but that it was strictly consistent. Here the Honourable and Learned Gentleman referred to the printed evidence, and shewed that his testimony respecting the Financial Concerns of the Duke of York was not only consistent with the evidence of Mr. Comrie, but was confirmed by it. He proved that the evidence which he had given respecting the cause of the separation between his Royal Highness and Mrs. Clarke, was quite consonant with the testimony of Mr. Lowten, and the paper delivered by him to the Duke, containing the result of an investigation instituted by him into Mrs. Clarke's conduct, that his representation of what had passed relative to the communication from Sandon to Colonel Hamilton was perfectly accurate, and that his answer in answering the question, whether the Duke of York had ever communicated with Mrs. Clarke upon military matters, he had been particularly guarded, by stating to the House what was his impression of the fact.

The Honourable Gentleman next adverted to the pain which some remarks, which had been made in a weekly publication upon his son's promotion in the army had occasioned him, and regretted that he had not it in his power to shew to the House, that the imputation founded upon what had been represented as a scandalous circumstance, "that the backs of a thousand men should be submitted to a youth who had not yet attained the age of twenty-one," so far from being a justified fact, was most illiberal and unfair, and that there was not a battalion in his Majesty's service in which fewer cor-
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poral punishments were inflicted, or in which better military regulations were established.

Having made these few prefatory observations, which he trusted the house would excuse, he should not trouble them farther with any thing relative to himself, but should proceed to state the grounds upon which he should give his vote upon the important question which had so long engaged their attention. He never could forget when called upon to act in a judicial capacity, the admirable maxim of Lord Bacon, that in all cases of this nature "Persons who were called upon to sit as judges ought not to contend for prizes by displays of wit; but that which they ought to carry, the Lantern of Justice (which is the evidence) straight before them to light them to a just conclusion." The question now before the House was, whether they ought to come to a Resolution upon the merits of the case, before they voted an address. He for one was decidedly of opinion, that they ought to come to a resolution because it would not embarrass them in adopting any after proceedings, and because in acting upon a clear conviction, either of the guilt or innocence of the Commander in Chief, they would be enabled to shape the address in conformity with that conviction. In forming this resolution they would be guided by the evidence: he should therefore state the impression this evidence had left upon his mind. In the first place, in order duly to estimate its weight, it was absolutely necessary to attend to the plan upon which Mrs. Clarke acted in her system of commission broking. The strictest injunctions of secrecy were given to all her agents, as has been proved by Mr. Knight, Donovan, Sandon and others, to whom she uniformly expressed a wish that the transactions which passed between them should be carefully concealed, and that all her letters should be burned, whereas in that House she had represented herself as acting with the greatest openness, and affixing her lists and applications in such places as must have exposed them to the notice of all the servants in her house. This circumstance, then, ought to be kept in view as a general clue to her testimony. The general plan of the accusation was, that her testimony was brought forward as the ground-work of each distinct charge for the purpose of proving not only interference, but corrupt interference, and this testimony it was endeavoured to establish by confirmatory circumstances. The weight of these confirmatory circumstances upon the different charges of Knight's exchange, French's levy, and Tonyn's promotion, the Honourable and Learned Gentlemen endeavoured to invalidate. Upon the first of these three charges the confirmatory evidence was founded upon the change of the note. Mrs. Clarke had at first asserted that the note was changed by a servant of the Duke of York, but she had afterwards stated it to have been changed by
Pierson

Pierson her own butler, at his Royal Highness's desire, at his wine-merchant's. By the evidence, however, of Pierson, the note was said to have been changed, not at the Duke's wine-merchant, but at a confectioner's in Bond-street, and when the confectioner was called, it turned out that no such note had been changed. The confirmatory evidence upon the first charge was thus entirely done away, and when as was the case, it was found that all the official documents relative to the exchange were perfectly in order, there was every reason to presume, that for this part of the accusation there was not any ground whatever, farther than the mere affirmation of Mrs. Clarke, who stood in the character of accuser.

Upon the charges connected with Colonel French's levy, there were two confirmatory circumstances—first, what regards the plate, and the second respecting the dissolution of the corps. He begged the house to remark, that there was no evidence before them to shew that the Duke of York had any reason to suppose that the gold which Mrs. Clarke had paid on account to Birkett was derived from any improper source, or that he was acquainted with the circumstance of its having once belonged to the Duc de Berri. And as to the dissolution of the corps he could not conceive any thing which could have redounded more to the credit of the Commander-in-Chief than either the measure itself, or the time and manner in which it was carried into effect. Upon the evidence of Miss Taylor as connected with this charge, Mr. Adam went into an ingenious discussion of the value of verbal testimony, in which he quoted the authority of Judge Blackstone and Mr. Justice Foster, for the purpose of shewing how liable this species of evidence is at all times to misconstruction, and misrepresentation, so that a witness who even wished and meant to speak the truth, might often himself be misled, and lead others into error. Without, therefore, reflecting at all upon the character or veracity of Miss Taylor, he did not think that her report of an expression which she said she had heard at such a distance of time fall from the Duke of York, ought to be taken as evidence sufficient to substantiate the charge, particularly when it appeared that even she herself had not till lately, recollected such an expression to have been used; and when it was considered that even in giving her evidence, she had not spoken positively to fact, but confined herself to saying that she merely THINKS his Royal Highness in conversation said some such thing to Mrs. Clarke in her presence. It was also worthy of observation, that the Honourable Gentleman in opening the charges, had not mentioned this as part of the evidence which he would adduce, though he had gone over most of the other circumstances by which these charges had been supported. Neither had Mrs. Clarke
any

any recollection of this conversation having passed, and none of her servants remembered ever having seen Miss Taylor at her house, in company with his Royal Highness. He likewise contended, that the time at which Miss Taylor represented this conversation as having passed, was long after the dissolution of Colonel French's Corps ; and if her memory was defective as to facts and circumstances, it was surely much more conceivable that it might be unfaithful in recalling any particular words that passed; in short, take it in every possible way such testimony as this, which according to the opinion of the ablest lawyers is at all times objectionable, and which in the present instance was marked with such strong circumstances of uncertainty and suspicion, was not surely of a nature to convict the Duke of York of a charge of connivance and corruption. And when all the confirmatory evidence was removed, there was nothing but the allegations of Mrs. Clarke in support of the accusation.

The only circumstantial evidence connected with Major Tonyn's promotion was the note, which, even though it was supposed to be in the hand writing of his Royal Highness, was of no value whatever, except it could be connected by date with the date of the Gazette in which this promotion was announced. Mr. Adam declined going further into the evidence, but he expressed his surprise, that a Right Honourable Gentleman* at the same time that he acquitted his Royal Highness of all participation or connivance at corruption could propose punishing him by removing him from an office, which he had discharged with so much honour to himself and with so much benefit to the army. He assured the House that he had never been a flatterer of the Duke of York. He had at all times given him his advice with frankness and sincerity, and he had uniformly found in his Royal Highness a disposition to follow it with cheerfulness. When he had broken off his connection with Mrs. Clarke, he had done it without fear or apprehension of any disclosures which it might be in her power to make unfavourable to his character. Before sitting down, he requested the indulgence of the House while he mentioned one circumstance, which had occurred the other day, and which he was confident the House would think with him redounded much to the honour of the Commander-in-Chief,—One day he had waited upon his Royal Highness, while the present negotiation was pending, and when his heart was big with his misfortune, and his eyes moistened with tears, but still he was occupied with the duties of his office, and attention for the interest of a gallant and meritorious officer. It was, perhaps in the knowledge of the House, that General Graham's promotion

* Mr. Bage.

had been obstructed. This gallant officer fought at Corunna, stood by the side of Sir John Moore when he fell; and for his conduct in the late campaign, was warmly recommended by General Hope to the attention of the Commander in Chief. On that day his Royal Highness informed him, that notwithstanding the anxiety of his mind, he had been writing a long reasoned letter to the King in General Graham's behalf. He mentioned this circumstance not only for the purpose of shewing his Royal Highness's unwearied attention to the good of the service; but of suggesting the manner in which it was possible, Mrs. Clarke might on some occasions have obtained her information of the situation and prospects of individual officers. He sat down expressing his full conviction, that the House would adopt the resolution, because it was a measure of justice, and negative the address, because it was a measure of obstruction.

Mr. BARHAM thought at that late hour, (*a quarter before three*) the House ought to adjourn.—(*A cry of Go on, go on.*)

Mr. W. SMITH rose amid loud cries of *Adjourn, adjourn*, and said, that in the few observations he had to offer, he would be as brief as possible, touching merely upon such points as, in his conception, the former speakers had neglected. He complimented the Honourable Gentlemen who had just sat down, upon the perspicuity and independence of statement—it had done him honour. He also paid, what he thought, a just tribute of applause to the Honourable Mover of this question, who, as he had all the responsibility, ought to have all the credit. He was well aware, that in the present stage of their proceedings, from the agitation of the public mind, the most severe vote which the house could pass, would be the most popular (*Hear, hear*); but he could not be led by even the popular voice, much as he might respect it, and ready as he was to admit an acquiescence in the wishes of his constituents.

He would touch upon four cases which, in his opinion, were material:—the first was that of the note which had been so much the subject of discussion; he was well convinced of its authenticity, and particularly noticed, that the paper on which the note was written was the same on which all those of the Duke were written, while it differed from that of those which were owned by Mrs. Clarke. The second point was the case of Carter, and this he should not have noticed, but that he considered it leaving aside the source from whence the promotion emanated, a most generous act. Had he met the circumstance abstractedly in any book, he should have pronounced it such. The third case was that of Major Turner and Mrs. Sutherland, and this he touched on only to say that he was to the full as much inclined to credit the evidence of Mrs. Sutherland

as

as of Mrs. Clarke. The fourth case was that of Miss Taylor ; he thought her most cruelly treated—the cross examinations which she, an unwilling witness, was made to endure most unnecessarily, had aimed not only at her character, but at her subsistence, which depended upon that character. He here could not help deprecating the usual mode of examination, even of the most eminent in the ordinary Courts of Justice, so trying to the feelings of a witness.

He now came to the main point, and he must say, he could by no means consider the Duke of York guilty of a participation in the guilty proceedings which had come to light ; he could condemn no man on the uncorroborated testimony of Mrs. Clarke, he acknowledged her talents, and he held her up as an instance of their perversion. Under this impression he would vote for the amendment proposed by the Honourable Gentleman on the floor * as, in his mind, it went to acquit the royal personage of a knowledge of her guilt ; but although upon the testimony of those two witnesses, unsupported, he could not agree to inculcate his Royal Highness on any charge of corrupt concern or connivance in the transaction now under consideration, he was still of opinion that the existence of those transactions was fully made out under the subsequent testimonies adduced, and that it was impossible for the House to shut their eyes against them.

He much disapproved of the manner adopted by some Honourable Gentlemen in the cross examination of certain witnesses, and particularly Miss Taylor. This manner of cross-examination towards witnesses of every description, was the reproach of our Courts of Justice, and constantly adopted by gentlemen of the bar, on the plea of sifting out the truth. Every endeavour was used in such cases to browbeat witnesses, and to throw odium on their characters, under an idea that those witnesses were never again to be seen ; and this conduct was suffered under an idea that it was protected by the court, although it would not be borne in any other place. But though this might be the case in a Court of Justice, there was no apology for it in the case of Miss Taylor, especially coming from those who having under their command, the whole body of tax-gatherers and police officers, had innumerable means of inquiring into the reputation of Miss Taylor, and might have brought her to the bar day after day for reexamination. They might have sent the Collectors of Income-tax, who exercised every where an inquisitorial vigilance ; they might have sent *Townsend*, *Macmanus*, or any other of the Bowstreet officers to enquire her character in her neighbourhood, without the necessity of outraging every feel-

* Mr. Bankes.

ing of female delicacy in such a cross examination as she sustained at the bar to discredit her evidence. But from the testimony of this, and several subsequent witnesses, and the number of letters which had been produced, it was impossible to doubt the existence of such transactions: they hardly rested even upon these proofs; their notoriety was in every one's mouth, and he was sorry they made impressions in quarters where such impressions ought not to have been made; otherwise, how could it happen that an old military officer like Captain Tonyn, the son of an old general of high reputation in the service, should have been induced to apply for military promotion to Mrs. Clarke, instead of the Commander in Chief? How should General Clavering be led to the same channel of application? There could not be a doubt that his Royal Highness had held conversation and correspondence with this woman upon military affairs, which he ought not to have done; and this being the case, it was impossible the House, as the Grand Inquest of the Nation, could, in consistency with the dignity of its own character, pass by the proofs before them without expressing some censure upon such transactions.

Feeling this to be the case, he must consider the original address (by Mr. Wardle) fully justified, and could not agree with that proposed by the Right Honourable Gentleman* which must be considered by the moderate and rational part of the people out of doors (he did not mean the heated multitude) and by posterity, a piece of timid adulation, as if they were afraid to speak their honest sentiments, and dared not offer the bitter draught of censure without palliating it by so much sweet as to render it palatable. He would ask, would the House of Commons, after all the proofs it had heard, instead of censure, vote an Address, which was an echo to the letter of the party accused, to say nothing of the interference of that letter with their privileges and proceedings? With respect to the immorality of those transactions, had it been confined to the private conduct of the Royal Duke, he for one should have thought any interference on the part of the House wholly improper; but when it extended to public concerns, and to the honour and well being of the army, the case was quite different, and the House should not pass it unnoticed. It was for the happiness and security of the country that a censorial power should exist somewhere, to controul the public conduct of public men. The standard of morality was most materially connected with the happiness, the well-being, and prosperity of their country, and every thing dear to its inhabitants, more especially at a period when we saw so many

* The Chancellor of the Exchequer.

thrones in Europe overturned, principally through the vices of Governments. He was convinced from historical evidence that millions of the people of this country would rather have stood up for Oliver Cromwell, even under the semblance of morality, than for the Monarch who succeeded him, had they been aware of the vices of his reign; and he was confident the brother and successor of that Monarch owed the loss of his Crown, more to the vices of his family than any other cause. His own political opinions, he said, had been too often evinced in that House in the last twenty years to require from him any profession now. He had frequent occasions to condemn many and disastrous political events, which had occurred in this country, in present reign, and particularly about the period of the the French Revolution, and he was confident that the monarch of this country, at that eventful period, was more indebted for the security of his Crown to the eminent and exemplary virtues that have through life adorned his private character, than to any other cause; for the people, under every difficulty, were satisfied to rest under the arch of the Constitution, where they found the keystone sound. Having now delivered his sentiments fully on this subject, he thanked the House for their indulgence, and left them to adopt their own decision.

Adjourned at four o'clock in the morning to

MONDAY, March 13.

The order of the Day for renewing the adjourned debate being read—

Mr. CURWEN said he had a letter to read from a very respectable officer, well known to an Honourable General opposite, which letter he hoped the indulgence of the House would permit him to read. He then proceeded to read—" Captain Spedding cannot help expressing his deepest concern to find that his name has been introduced"—

Mr. WHITBREAD suggested to his Honourable Friend the propriety of deferring reading the letter to another and a better opportunity. The letter would in the mean time be safe in his possession. To this Mr. Curwen acceded.

The SECRETARY at WAR, rose to oppose the address moved by the Honourable Gentlemen * who had declared " that although no charge of corruption had been established against his Royal Highness, yet that the House had been put in possession of facts sufficient to induce them to believe that his Royal Highness must have entertained a suspicion of the abuses that existed; and consequently that it was their duty to agree to a proposition, the tendency of which was, to deprive him of the command of the army." He

* Mr. Bankes.

felt his task considerably lightened by the conviction, that a great majority of that House placed no reliance whatever on the testimony of Mrs. Clarke.—(*A partial cry of no, no! and very generally of hear, hear!*)—At least such was his understanding of the opinion of the greater part of those with whom he had the honour to communicate. If it were not so, if the testimony of Mrs. Clarke were to be credited, there could be no question but that his Royal Highness must be immediately condemned; but he was firmly of opinion, that in the most material parts of her evidence, Mrs. Clarke was disbelieved by a great majority of that House; there was not one of the cases that had been adduced in which Mrs. Clarke had not directly contradicted herself.

The Honourable Gentlemen, on the other side maintained two opinions, either that the Duke of York had himself been guilty of corrupt practices, or that the circumstances were so glaring that it was impossible but he must have suspected their existence in others. Both these positions he completely denied, and he trusted that the House would be persuaded his denial was not founded on light grounds. To shew that it was not so, he would enter into an examination of the various cases that had been brought forward. And first with respect to that of the exchange between Colonel Brooke and Colonel Knight. It was evident in this instance, that Mrs. Clarke's object was to procure money, by pretending that the gazetting of that exchange was ascribable to her influence alone. But she had evinced an ignorance of the usual course of such proceedings, which in his mind was the strongest proof that the communication between her and his Royal Highness on military subjects was far from being as unre-served as she pretended. Mrs. Clarke observed that she had made the application to the Duke of York two or three days before the exchange was notified in the Gazette. Now, it was well known to those who were conversant with the details of military office, that a much longer time must elapse after the approbation of the Commander in Chief was expressed of any transaction of that nature before it could be so declared to the public. This ignorance on the part of Mrs. Clarke was by no means reconcilable with the profession that she possessed that undue influence over his Royal Highness which had been described to her; for in that case, would she not have made it her business to render herself perfectly conversant in all those forms and details of office by which her object would have been forwarded?

He took this opportunity, as he was speaking of official business, to defend Colonel Gordon from the imputation of want of candour, which had been thrown upon him from the opposite side of the House; and explained in a very satisfactory

manner, the evidence which Colonel Gordon gave at the bar, with respect to the usual course of military exchanges and promotions.

As to Colonel French's levy, which was stated to have cost the country 150,000*l.* he could assure the House that it never amounted to 9,000*l.* they were raised upon an average at about forty guineas each man; and when it was considered that his Royal Highness put an end to that levy in the way he did, he believed it would be very good proof that Mrs. Clarke had no indirect influence over his mind in matters of a military nature; when it was reflected that by the dissolution of that levy, she lost, by her own account, a guinea a man, for every man that was to be raised. Respecting the note delivered in by Sandon, although some strong opinions were delivered as to its authenticity, still, however, it meant either so little, or so much, that no one living could fix with certainty the real object of it, and therefore it would be too much to fix his Royal Highness with the charge of corruption upon an unintelligible scroll, and most certainly not in itself sufficient to go the length of proving the power of Mrs. Clarke's influence over the Duke. After passing some general strictures on other parts of the evidence, the Right Honourable Secretary proceeded to notice the establishment at Gloucester Place, and he argued that it did not consist of such a retinue as would warrant the Noble Lord *, to say that it was maintained at an expence of 10,000*l.* There was but a coachman and two footmen, a butler and an under butler, and sometimes an extra man cook. There never was more than one carriage, although there might have been more than one pair of horses, and the maid servants were rather limited in number than otherwise. It therefore could not be contended that the establishment there came to the immense sum of 10,000*l.* a year: consequently his Royal Highness could not be charged with being an eye-witness to such an expenditure, or privy to the costly expence of such an establishment, or be supposed to connive at its support by corrupt and foul means. The Right Honourable Gentleman then drew a comparison of the admirable state of discipline in which our army is at present to that in which it was when he first took the command, stated this to be the result of his activity and attention, and trusted the House would not, by their vote, deprive the country of his future services.

Sir FRANCIS BURDITT observed, that he never felt more difficulty than he did in then rising to perform the painful duty he owed his country. After the ample discussion the subject had undergone it would be unnecessary for him to weaken it by a repetition of what had been already urged



Hopwood sculp^r.

Sir Francis Burdett Bart

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with so much point ; all, therefore, that now remained for him was, to draw some results from those details—from facts which had been proved—from the commentaries which had been deemed judicious, and from the reasoning that was thought conclusive ; in inferring those results, he would, of course, be understood to state merely what had been their effects upon his own mind, and in placing those effects to the circumstances that produced them, he would attempt to justify the impression he felt upon the subject, and if he could not persuade others to think as he did, he did not despair of being able to give good reasons why he thought so.

In the first place he thought it impossible to pass over the extraordinary system of conduct pursued by the Honourable Gentlemen on the other side.

The Chancellor of the Exchequer, a public officer, and the King's servant, came forward and volunteered as the advocate of the accused ; close at his heels followed his Majesty's Attorney General, after him his Majesty's Solicitor General, followed by a host of crown Lawyers, who were all marshalled in terrible array against the Honourable Gentleman who had proposed this enquiry. The charges had been scarcely made, when his Majesty's public officers crowded to range themselves at the side of the accused, and thus they had not done as Members of Parliament, but as advocates, they forgot that they were judges, and their eagerness to plead so far outran their patience to hear, that they appeared anxious to defend, before they could be possibly competent to decide. . They had begun with denying, resisting, and extenuating, when they ought to have recollected that they would not be expected to judge well, unless they had heard fairly. The country would not expect that men who had refused to hear with patience could determine with justice. It would rather, and naturally, be led to suspect that such men had previously made up their minds—that they had prejudged the cause, and had entered into the investigation of it with a stubborn resolution to shut their ears against conviction (*here there arose a mixed cry of order ! order ! hear ! hear !*) He was stating what impressions such conduct, according to his view of it, was calculated to produce ; and he would go farther, and avow, that such had been its effect, upon his mind ; and he could not help observing thus far upon the extraordinary manner in which an 'array of public officers had set out in resisting and opposing public charges before they could have been possibly apprized either of their validity or falsehood.

With respect to that part of their conduct that related to the Honourable Member with whom those charges had originated,

nated, it had been said by an Honourable Member on the floor* that that Honourable Gentleman, in attempting the arduous duty of bringing forth his charges, had embarked in a narrow skiff upon a tempestuous sea. The sea might have been tempestuous, and for aught he (Sir Francis) knew, the skiff might have been small, but however violent the storm, or however small the size of the vessel in which he had embarked, the Honourable Gentleman had fixed his eye steadily on the polar star of truth, and found her hallowed influence sufficient to light him through the perils of the deep—through the angry conflicts of the winds and the waters, and to guide him ultimately to the haven of security and honour!

In coming before the Representatives of the People to complain of a series of corrupt practices, the Honourable Member, had met with a reception as ungracious as it was unjust; one of his Majesty's Ministers had the boldness to threaten him with infamy—this threat no doubt had been administered in the shape of a dilemma, the infamy was to attach either to the accused or to the accuser. Did it, he would ask, rest with the accuser? or now that the evidence had been gone through, that every man is in possession of the merits of the case, was there any doubt in the breast of any man that that Honourable Member who had brought forward these charges had, in the prosecution of them, acquitted himself with frankness, integrity, and honour? (*Hear! hear! hear!*) This being the case then, he left it to the Right Honourable Secretary to place his charge of infamy elsewhere, or if he had any difficulty in finding a fit subject for it, he had better, perhaps, let it *stay where it is*, and rest upon himself.—(*A laugh*)

Another of the King's ministers, after an unvaried assiduity in behalf of the accused, had made a very long speech in favour of the absolute acquittal of the Duke of York—that speech had extorted praise, which it was not for him to censure as injudicious, but he did confess himself at a loss to know what part of that speech, or of its character, had any just claim to approbation—it could not be its candour, for never was any speech more uncandid—it could not be its fairness of reasoning, for never was any speech more sophistical—it could not be the comprehensiveness of its views, for never did speech take a more confined view of any question—it could not be its impartiality, for it was altogether on one side and leaning to one party—it could not be its accuracy, for it omitted many things and stated more—it could not be its propriety, for instead of summing as a Judge, it pleaded as an advocate; what it was, therefore, that constituted the superior excellence of that speech he left to those who had bestowed their praises

on it to discover, unless that it will be contended that the character of advocate, in which the Right Honourable Gentleman had appeared throughout that inquiry, was the part which more became him, in that case he would be willing to acknowledge that as a professional effort, as the speech of an advocate anxious on behalf of his client, it was as efficient a defence as perhaps such a case could possibly admit of.

When he looked to the manner in which the advocates for the Duke of York had shut out from their consideration every thing that made against him, and retained with scrupulous exactness the slightest plea of extenuation, the smallest pretence for setting up conjecture against proof, he could not help thinking, that some unknown and extraordinary circumstance had contributed to make them both deaf and blind; he must either believe this, or believe that they prejudged the case, and had excluded from their minds all considerations arising out of the evidence. What was to be thought of his blindness or of his obstinacy, who could, or would see no ray to guide him in the noon day light, and who, yet, would afterwards perversely set about conjuring light as it were out of darkness? And, yet no less absurd was the conduct of those obstinately resisting evidence confirmed, beyond a doubt, and then balancing their incredulity by generously believing in contradiction to proof, what they themselves conjectured to be probable.

It had been attempted, in every way that ingenuity could point out, to destroy the effect of Mrs. Clarke's testimony; she had to stand at their bar under thousands of disadvantages, to undergo the most painful examination that ever any human being had suffered. The most trivial as well as the most trying events, from her cradle to the moment when she appeared at their bar, were brought into view, to harass, wound, and perplex her.—At first these attacks appeared to have their effect, but at length, upon the repetition of them, she manifested a superiority of mind that exceeded the possibility of belief, and the result was, that she has made an impression on the House that can never be forgotten, and that too of a very different nature from that which the advocates of the Royal Personage expected. When Mrs. Clarke first stood at their bar, he confessed that, in common with several others, who had since changed their sentiments of her, he paid little attention to her, at least he did not consider it likely that any thing important would come out on their enquiry, but in proportion as the examination continued, conviction began to shew itself, (*Hear! hear!*) and long before it finished that conviction was most completely accomplished. In the whole course of judicial proceedings, no such evidence was ever given before any tribunal, in point of honest open ingenuousness

it was throughout the emanation of pure simple truth ; and what rendered it still more remarkable, was, that all the Lawyers, who by all their exertions and endeavours to entrap her, in the course of that evidence, were uniformly foiled. (*Hear ! and cheering almost in every quarter of the House.*) Even his Majesty's Attorney General, how often was his system and all his plans of cross examining defeated. How often did he get entangled in his own toils. But it had been stated, that the whole of her testimony could be nothing but fabrication. Good God ! (exclaimed the worthy Baronet) what could possibly be farther from system, method or fabrication, than the testimony of Mrs. Clarke ? The chief part of that testimony was that which was elicited from her by Gentlemen at the other side of the House ; the most part of it by the Crown Lawyers. Why, there was not a thinking man in that House, that would not sooner have expected her to write such a tragedy as Macbeth, than to plot, form, or fabricate such a train of evidence, such damning proofs as came forth from the testimony which she was forced to produce.

A great deal more than appeared to him to be necessary, had been said upon the nature and laws of evidence. He would make upon this point but one remark. One general rule of evidence, with which every one was acquainted, was that in support of any case there should be adduced the best possible evidence that the case could admit of. He wished them to apply that general rule to the question now before them, and to say whether they had not now before them the best possible evidence the nature of the case did admit of (*Hear ! hear !*). Putting, now, out of the question the credibility of the witnesses, he asked, what more they could expect to have heard on those charges than they had heard already ? He would say for his part, that much more had come out than he thought would or could possibly have been proved. Let the House consider, that all evidence must necessarily refer to the nature of the case ; and did they in the present case expect to have it proved that the money had been actually put into the hands of the Duke of York ? Impossible ! Did they think, that if the Duke of York had been in the habit of those corrupt practices, that he invited witnesses to the knowledge of them, and held grand days and audiences in order to give his corruption notoriety ? Or, would he not rather use the most circumspect caution, and baffle justice by preventing the possibility of evidence ? And there was no doubt that, in some degree, the Duke must have been on his guard ; and therefore it did appear to him, that the evidence they had before them was the best possible evidence they could have had. Indeed, he must say again, that the evidence much exceeded his expectation. He did not expect that it would have been possible to
have

have brought home the charges so personally to the Duke; and that it was possible, he could attribute only to a cause it gave him pain to mention—the broad and open shame of his Royal Highness.

The defence was ill-judged and was disgraceful to his Royal Highness. The Hon. Baronet then observed upon the premises laid down by the Right Hon. Gentleman with respect to the discredit which ought to be affixed on Mrs. Clarke's testimony. He insisted that her evidence was fully corroborated by that of Miss Taylor; and although it was to be received with suspicion at first, yet the subsequent testimony had fully established her credit. It was endeavoured to be insinuated that there was discordance in the testimony, because she did not recollect the date of a letter which had been produced. But how would that appear? Why, if there was the least shadow of suspicion, would it not rather be feasible that in a conspiracy, the parties would have agreed among themselves as to a date? With respect to the evidence of Miss Taylor, it had been alledged by the Right Honourable Gentleman, that her evidence ought not to be credited, and no one knew why, for he had not given any reasons. That part of her evidence in which she declares that the Duke of York had asked Mrs. Clarke, "How did he behave to you, my darling?" And he contended it had not the least reference to the charge of corruption; and then afterwards attempted to explain away that circumstance certainly not in a manner to make any impression on the House. These statements of the Learned Gentleman were built entirely upon hypotheses originating out of that ingenuity on which he had been complimented. He had laid out of his consideration all that there was to direct the judgment of the House in coming to a decision upon the question. He had given up every thing that was tenable in order to lay hold of the unsubstantial; he had given up that which no man could shut his eyes against—he meant that part of her evidence, which indeed was corroborated by the rest of the witnesses, with respect to her influence over the Commander in Chief.—(*Hear! hear!*)—A Learned Judge too had set out with endeavouring to destroy the testimony of Mrs. Clarke, but he had failed. Indeed, the course of proceeding adopted by His Majesty's Ministers from the first moment of her appearance at the Bar, had been endeavouring to hunt out evidence to destroy her testimony. They had endeavoured to do so, with the assistance of the most eminent Solicitors in town.—Mr. Lowten and his people had been engaged to discover any thing that might be amiss in the character of Mrs. Clarke; they had hunted the town over and had disclosed all they had learned; and what was it?—Only to prove that she was a witness entitled to credit! This sort of proceeding was, he must say, an act of injustice

Thus

Thus it appeared then, that the defence of the Right Hon. Gentleman went to support the accusation, all his ingenious hypotheses fell to the ground, and in his hands "trifles light as air," were converted into "confirmations strong." A Member on the floor, who had taken part against the Duke, had even made a better defence for him when he acquitted him of the chief charge—a corrupt connivance.

A Learned Judge who spoke early in the debate* had also tried to destroy Mrs. Clarke's evidence; but after saying she was guilty of twenty-eight contradictions, nothing was produced against her but her situation in life. Nothing more could be done; and the House must consider that as the extent of the impeachment of her credibility, when they recollected with what acrimony and injustice the slightest subjects had been seized, whereon to shew that she had been guilty of contradictions. There was an essential difference between contradicting other witnesses and contradicting herself; the latter was a direct falsehood, while in the former, such as in the contradiction between Mrs. Clarke and Mr. Knight on a matter of recollection at the distance of four years, the one was as positive and as likely to be correct as the other. Miss Tayler was also to be impeached, because she did not know her father went by the name of Chance, although hers was the most complete evidence to be had on this occasion. The Right Honourable Gentleman had also gone through the other cases, always putting aside the evidence, and building on his own conjectures.

There was another Right Honourable Gentleman, the Member for Cambridgeshire;† but before he came to him he must say a few words respecting what had fallen from the Attorney General. His reputation for ability, as a lawyer, was so high that he had listened to his observation with peculiar attention. From him he had at least expected some luminous points; but he heard nothing of the kind. That Right Honourable and Learned Gentleman seemed to be completely lost—a circumstance, which could scarcely have happened had he not had a very bad cause to advocate. This put him in mind of an anecdote of the late Mr. Dunning.—A person having a law-suit informed him that his cause being bad he thought he had better be assisted by able counsel, "No," said Mr. Dunning, "if you have a very bad cause, employ the worst counsel you can possibly get; for a man of sense is so hampered with a bad cause that he never makes any thing of it. But a man of a contrary description, becomes confused, he never places the prominent parts of the case in their proper light, and having great zeal at the same time he makes a shew of something like a good defence." (*A laugh*) This was the situation of the Attorney

* Mr. Burton.

† The Hon Mr Yorke

General

General ; he was a good counsel employed in a bad cause, and found himself, so hampered, that he was forced at last to give it up altogether. He was like Christian in the Pilgrim's Progress. He plunged forward the best way he could, till he got to the middle of the Slough of Despond, and there he was left sticking fast in the mud. (*A laugh*) Finding his situation thus hopeless, he ended with an appeal to the compassionate feelings of the House. This he thought by no means a time for such an appeal. But it was of importance to mark the circumstance, because it afforded another proof of the impossibility of making out any thing like a reasonable defence of the Duke of York against the fullness of the evidence now on the table.

The Right Honourable Member for Cambridgeshire did not exactly follow the Chancellor of the Exchequer, for he appeared ready to give up some part of the evidence in order to get at the rest. But still he evinced a disposition to view every case, in that partial light in which it would be most favourable to the Duke of York. In the first place, in his opinion, the evidence was the worst that could be produced; and as to the God bless you note, he had no doubt that it was a forgery. But the evidence to prove that this note was genuine, was so complete, and so satisfactory to every impartial mind, that one was almost forced to suspect that no reasoning could possibly weigh with him who entertained no doubt of its being a forgery, to view the case in any other light, than that in which he had regarded it at the commencement. Mrs. Clarke in the opinion of the Right Honourable Gentleman, was such a prodigy ; she could do any thing she chose—A most miraculous woman ! and yet, what had she made of all this cleverness ? Had she raised any money in the Duke's name ? (*Hear ! Hear !*) Far from it This vile woman, this harpy, as she was called, sought no money but for honest purposes ; she made no purse, and when she acquired money, it appeared that she had been anxious to pay the poorer people their bills, and the servants their wages. She had come to the bar, under such helpless circumstances, that it was an obvious duty, to avoid, with respect to her, whatever might have the appearance of unfairness. The House had commonly been so sensible of the unprotected situation of people of this kind, that it was a general maxim to behave to them with all possible kindness.—This had been forgot in the present instance, and the argument used with respect to this witness by the Right Honourable Gentleman would lead the House, he was persuaded, to a conclusion contrary to justice—and even force it, if the principle should be invariably acted upon, to compromise in many cases the cause of justice altogether. The Right Honourable Gentleman had also argued from the consequences that
would

would attend conviction. He did not by any means coincide with him as to the consequences ; but be that as it might, it was his duty, and that of every member of the House, to lay the consequences aside in the mean time, and to decide from the honest convictions of their own mind upon a full and impartial view of the evidence.

It was a little surprising that those who disbelieved Mrs. Clarke, did not also remark on the part which all those who had come forward to discredit her had played—not one who had tried to invalidate her testimony, but had done so to his own confusion (*Hear ! hear !*) ; not one of them that had not rather discredited themselves than her, to whom they had avowedly come to attach suspicion. Her method of answering on her cross-examination at once evinced her innocence : she gave answers which she must have known would have led to a further interrogation, and of course to a more full elucidation of the truth. Thus she made a statement which she told us, Donovan was prepared to deny ; the fact proved so ; he did deny it, and his denial, like that of all the rest ultimately tended to his own humiliation. He had remarked thus much upon the evidence of Mrs. Clarke, and he had done so, because he thought justice should be rendered equally to all.

There was more evidence, the honourable Baronet observed, on each of these cases than would be sufficient in any criminal court in the kingdom, to convict a man for minor offences, and when oral evidence and circumstances here agreed as they did, he did not, could not see how honest upright men could shut their eyes or their ears against it. But to see and hear legal men act and speak as they did on many occasions there, and especially in the case now agitating, induced him to think that they lost all the faculties of their profession when they came within these walls. The Attorney General he believed, thought that in Mrs. Clarke he had a Witch at the bar, or a Maid of Orleans, who had put all the faculties, pleas, and rejoinders, of the Gentlemen of the Long Robe to the rout ; and it would seem that truth to lawyers was like the red rag to the viper, it extracted the poison from them. Upon the whole, then, when he adverted to the documents before him, that could not err, he was of opinion that they went to the full extent of bringing conviction on the most prominent of the charges. It was a painful thing to say that the House has the Duke of York's honour to set up against the body of evidence before them ; the honour of a Prince, it is true ; but then there was the honour of the House of Commons, and the welfare as well as the happiness of the people, on the other side. It was the honour of the Duke contrasted with the conscience of the House.

The

The Honourable and Learned Gentleman* had said, that he understood from the Duke of York, that he never corresponded with Mrs. Clarke on military matters. She said he did, and her testimony was confirmed by the documents on the table. Yet the Honourable and Learned Gentleman could not comprehend, how the Duke of York should have corresponded with Mrs. Clarke on these subjects, because it was contrary to common sense. Why the whole of the conduct of the Duke of York in this business, was contrary to common sense. (*Hear ! hear ! hear ! hear !*) and would have appeared incredible, had it not been for the complete proof, which could leave no doubt of the fact, upon any impartial mind. The Honourable Baronet then adverted to the evidence of Colonel Gordon, which had been spoken of in terms of such high admiration : it had been called an *able* evidence ; but for his part, he was unable to comprehend what was meant by an *able* evidence ; he could not see what was required from an evidence except truth, and he could not see either how telling truth constituted ability. Even in this *able* evidence, however, a flaw might be discovered, if scrutinized by the ingenuity which had inspected Mrs. Clarke's : thus Colonel Gordon had stated what he had called an invariable custom, and in a little after it appeared this invariable custom had many exceptions. Was not this a glaring inconsistency ? and yet this was the grand stalking-horse which was put forward on every occasion. The more the evidence of Mrs. Clarke was sifted, and contrasted with that of the other witnesses, the more perhaps those who were inclined to condemn her would mitigate their severity.

Colonel Gordon's testimony had been relied upon as contradicting that of Mrs. Clarke, he had declared every thing to have been conducted according to the rules of office, and to shew this he had brought a red box with a great bundle of papers. But all this was perfectly consistent with the evidence of Mrs. Clarke. This official correctness had, it was true, been always attended to, but it was a visor, a nose of wax, employed as a cover for these corrupt practices. Mrs. Clarke had never denied all this regularity and correctness, but on the contrary, had always insisted upon its necessity. As to the case of Samuel Carter, this had been considered as a set off. It afforded a topic for expatiating upon the humanity and the regard to merit displayed by his Royal Highness. But if there was any praise due at all in this case, it belonged not to the Duke of York, but to Mrs. Clarke, while all the discredit rested with his Royal Highness. The use which he thought ought to be made of this, therefore was to diminish the bad opinion which might at first be conceived of a person in Mrs. Clarke's situation.

We then came to a case which had been stated as having no-

* Mr. Adam..

thing to do with the subject under discussion, he meant that of Dr. O'Meara.—This they said, had nothing to do with military promotions.—Why, so much the worse. What sense of propriety could the Duke of York have when he corresponded with Mrs. Clarke on such a subject as this? and what a picture did this man exhibit? What a picture of profligacy! He who had preached before the Royal Family against “adultery, fornication, and all the other “deadly sins!” (*A loud cry of hear! hear!*)—If the Advocates of the Duke of York had not endeavoured to make the separation between this and the other cases, they might have spared him the pain of making that observation. This case bore as heavy on the Duke of York, as any other whatever.

The case of Major Shaw's application, had been represented as if it did not deserve to be thought of. A Learned Gentleman, he ought perhaps rather to have called him now the Right Honourable Gentleman * but he had so long known him under merely the former appellation, that it came to him more naturally—a Right Honourable Gentleman had said, that in this case there was no proof whatever of Mrs. Clarke's influence. He would not at present enter into any particular examination of it; but it certainly shewed the general, the widely extended feeling and belief in the army, that promotions were to be obtained by such dishonourable means, (*Hear! Hear!*) and certainly nothing could be more prejudicial to the interests of the service, than the prevalence of such an opinion, that rank was not merely the reward of merit and exertion, but might be obtained by far different means, however base and discreditable (*Hear! Hear!*) An Honourable and Learned Gentleman† at the commencement of the business, did make a strong statement in contradiction of all such transactions as were then charged against his Royal Highness, on the ground of his being most intimately acquainted with all his pecuniary affairs, and this statement had at the time almost removed from his mind the prejudice against his Royal Highness which these charges were calculated to produce. But the Learned Gentleman had given us the gloss before the text, and he contended that even in the evidence of that Learned Gentleman there were some inconsistencies, which without imputing to him the least wish to deceive, would hardly admit of being fully reconciled. When we saw these inaccuracies even in the evidence of members of that House, acquainted with business, so learned in the affairs of the world, it was a little hard to sweep away the evidence of the principal witness at the bar, as a Right Honourable Gentleman had contended should be done, on account of a few inconsistencies, for which so many allowances were to be made, on account of the length of her examinations, and the variety of details into which she was necessarily led.

* Mr. Perecval. † Mr. Adam.

The Honourable Baronet next observed, that the Secretary at War had made nothing of the case of Major Turner. There was no excuse for the Duke of York here. Mrs. Sutherland wrote "that she hoped his Royal Highness would not refuse her such a trifle as that." And it followed when she called it a trifle to interfere with the resignation of an officer, that she had been in the habit of interfering in military matters of much higher importance. What she meant by calling this a trifle, he knew not, but if the officers of the army were liable to be harassed or ruined by such a character as this, he must say that their situation could not be considered enviable. Subsequent to this, he wrote a letter full of indignation at the treatment he had received, and such as might naturally have been expected from a man in his circumstances; and he absolutely threatened the Duke of York with an exposure in the manner of Major Hogan. The complaint against him was, that he had behaved ill to a lady; what this had to do with his military duty he did not know, but he well knew that the house was not the exact place where cognizance ought to be taken of the conduct of officers with regard to ladies. He should have thought too, that the Duke of York, was not the person to set himself up as a rigid moralist in that way. What had been his conduct to the woman who had appeared at the bar? he separated from her, not certainly for having taken money for commissions. His excessive love for her was the only circumstance that could have at all extenuated his offence, and yet it appeared that she was shaken off like an old shoe, and threatened with infamy. Why, it makes one's blood run cold but to think of it! to think of his trying to render infamous the woman for whom he had expressed such love! to think of the message which he had the hardness to send her!—a message too which must have been true, because the Duke's partizans had it in their power to call the messenger * to the bar to deny it; and yet they did not. Why, what a picture does this woman present to us, even when contrasted with the "honour of a prince!" Alas, what a melancholy comparison! She demanding her annuity only to pay the debts she had contracted under his protection, and he refusing even that paltry pittance, because she could not produce his bond for it! There, said Sir Francis, there is "the honour of a Prince" for you! (*Loud cries of Hear! hear!*) —If this was honour, it was a sort of honour which scarcely included the ingredients of honesty and fair dealing, and which could not weigh a feather in opposition to the evidence before the House.

There was another case which had nothing to do with those ladies, but which was of great importance—he meant the case of Kennet. From this it appeared that the Duke of York was actuated by a greedy desire of getting money almost by any means

* Taylor, the shoemaker.

and accordingly undertook to recommend a fraudulent bankrupt to an office under government for the sake of a loan. Here he could not help saying a few words on the subject of corruption. The Right Honourable the Chancellor of the Exchequer seemed to consider corruption as synonymous with the actual taking of money for improper purposes; and, with this idea in his mind, he said that corruption was not so prevalent in our days as in former times. He thought the golden age was returned; and that with respect to corruption, our days might be considered as a "Paradise regained." What did the Honourable Gentleman think of the multitude of offices at the disposal of ministers and their underlings; the colonial places; the situations created by the increase of the various establishments in the country, and the immense amount of the taxes? Of the taxes which had risen to such a height, that men looked up to government in order to get back a part of their own. By the reduction of their incomes men were first driven to mendicity, and then bribed with their own money. To be sure that time was not returned in which our forefathers were so very corrupt that members sometimes took a bribe of five hundred guineas on the lobby of the house to give a vote, nor were we returned to that period when, at the table of the Speaker, it was usual to find under the plates of the members a sum of money as the price of their cupidity.—(*Hear! Hear!*)—No that was not the species of corruption which at present was carrying on. He wished to God it was now as open, as palpable, and as base; then indeed the people might be aware of their representatives.—(*Loud cries of Hear, hear.*) Corruption was now gilded with the name of office, which was greedily snatched at by him who, as the Right Honourable Gentleman had observed, would be ashamed to take the value of ready money into his hand—(*Hear! hear!*) The Duke of York certainly did not, when acting corruptly, take so many guineas in hand. This was too gross for the times, especially when corruption could be so easily gilded. Corruption had no necessary connection with money—corruption consisted in the corrupt motive in swaying the mind from truth and justice. The Chancellor of the Exchequer, therefore might say, that there was less of open bribery in our days than in former times—but he seemed entirely to misconceive the meaning of the term, when he said there was less corruption.

The additional circumstance to shew the connection between the Duke of York and Mrs. Clarke in their money transactions, the Honourable Baronet observed, that her Solicitor, Mr. Comrie, was found endeavouring to raise money for his Royal Highness. A loan also had been proposed by Colonel French; and in short, in several instances the same feature appeared—a constant want of pecuniary relief, all which served to give weight to the evidence which would have been sufficient without that circumstance to prove corruption, or a connivance at corruption, against his
Royal

Royal Highness. So strong, then, were all these cases, that any one of them was sufficient for conviction upon the evidence taken at the bar, coupled with the documents, which stood unimpeached. The House had satisfactory evidence on these charges, and more than would be required in ordinary cases. In those cases where humbler subjects were concerned, the force of circumstances produced in the minds of our lawyers conviction strong as proof of holy-writ, though these only came in aid of spies and common informers. But how different was their language here where the Duke of York was concerned? Where they talked of strong circumstances, in order to produce conviction. Here in order to defend a subject of the highest rank they passed over, not only the strongest circumstances, but the most irresistible testimony. Since the bill for the exclusion of the Duke of York, from the succession in the reign of Charles the II. a more important case than this had never come before parliament. The case was not solely that of the Duke of York, it was that of the justice of England, and the decision would be a test whether there did exist any justice in England.

Much was said of the honour of a prince. We talked of the honour of the king, who was the fountain of justice; much had been said of the honour of the Duke of York. He would contrast with that the honour of the witness who had been at the Bar*; all that had been done with a view to discredit her testimony had only reflected upon those who made the attempt. Like Balak, they had searched for those who would curse her, and the result had only been a blessing. It was said that she had passed as a gay modern widow; and it did not signify a straw whether she had or not. The witness, Few, brought an action against her, and was foiled. He placarded her afterwards through the streets; and yet, this revengeful woman, who had no honour, paid the debt and costs, although under no obligation to do so!! This was honour; and he wished that a parallel instance could be produced in behalf of the Duke of York.

The advocates of the Duke of York finding the evidence so completely against them, had fallen into the last reserve of a bad cause—an appeal to general character. On that point, however, he doubted they would fail, as in every thing else. But the honour of the Duke of York was the answer to all this! That honour now arose like Banquo's ghost, (with twenty mortal gashes on his head)—and under these humiliating circumstances it was impossible his Royal Highness could maintain his post.

But here Gentlemen had to do with nothing but the evidence—for on that alone they were called upon to decide. Many had been the warnings which the House had received against popular influence. It might be unparliamentary to say, that the House could be swayed by any undue influence—but of all influence that could possibly operate, that of the people he believed was the lat-

* Mrs Clarke.

to be feared. There were indeed, other kinds of influence, which would weigh more with ordinary men, although they could not be supposed to have any effect on the minds of Members of Parliament. But the anxiety in the public mind was, that the decision should be just. The people of England had always been remarkable for their love of justice, and justice alone was what they required. If their minds were divested of the opinion of the prevalence of undue influence in that House, the decision would readily be received as just, whether for or against the Duke of York. If the House wished completely to convince the people of their determination to do justice, he knew one way of doing so; and if all the Gentlemen who sat on the Treasury Bench, all who have any emoluments under the Crown, were to walk out of the House at the time when the division took place, and leave it to the vote, whatever that decision might be, he was convinced the people would be satisfied. (*Hear! hear!*)

The MASTER of the Rolls said, the ingenious speech of the Honourable Baronet would not induce him to swerve from the view he originally intended to take of this subject. The Honourable Baronet had condemned his Right Honourable Friend, the Chancellor of the Exchequer, for expressing his opinions as a judge, as if no impartial opinion was to be given from a judge in submitting his reasons to a jury for coming to a certain decision. Many persons who took up the subject with extreme zeal on one side would conceive themselves perfectly right, and maintain that they acted from conviction. This kind of conviction put him in mind of an expression of Dr. Johnson's speaking of some Gentleman who had very hastily and erroneously, as he thought, come to a conclusion of a popular question, "Aye, says he, he is convinced, but then this conviction is not honestly come by." This observation appeared to him to be very applicable to some of the arguments that he had heard from the other side of the House.

There were two points for them to determine; the first, whether they were come to a definite opinion on the charge of corruption? and secondly, in what mode they were to express their sentiments on the matter, which had been the subject of the several Amendments moved by different Gentlemen? This last would gain subdivide itself into several propositions. If guilty, it would be to be considered, whether they were to put the Duke of York on his trial, or at once to pass sentence, and deprive him of his Command? If not guilty, then they would have to consider the Amendments, and determine on which was the most consonant to justice?

With regard to the original address, he could not believe it would be listened to for a moment. He could certainly conceive it to be possible for a case to occur, in which it might be right to pronounce no judgment at all; but he could conceive no case where the decision ought to be ambiguous.---(*Hear! hear!*)

It was easy for the House to say whether the Duke of York was guilty of one or other of those charges. It was possible for his Royal Highness to be guilty of imprudence, and not to be guilty of an actual transaction. He might have been guilty of great negligence but yet not any actual participation in corruption. He agreed with the Honourable Baronet, that corruption did not consist solely in receiving or participating. He entreated of the House, however, to be explicit in their decision, and distinctly to say, whether the Royal Duke was guilty of corruption or not. An Honourable Gentleman had said, on the second night of the debate, that he should shew his opinion by his vote. This was one of his great objections to the mode of proceeding, that they could not express their opinion on the subject by a vote. Two hundred might be for the whole question, 100 only might remain on the second part; of course the question might appear to be carried by a majority. The question would then remain, was the Duke culpable or not? On this new ground, the question was, if they were called on to do so on the credibility of the evidence. This more properly applied to his professional practice. The evidence adduced wanted the test, of all the times, nations, sects, and persuasions in the world to give it credibility; not only so, but the House was unable to judge what it would have been had it been on oath. The Athenians had, on one occasion, in compliment to a legislator of their own, refused to allow him to be bound under any trammels in giving his evidence. Another equally grave tribunal, however, refused even to hear Cato, unless on oath. Is was for that House now to say, if they would follow the example of the Athenians, in preference to that of the Romans; and if on the unsworn testimony of such persons as had been examined they would form a resolution prejudicial to the right of Citizens? The evidence, he agreed, was perfectly sufficient to justify the public in putting the Duke of York on his trial; but he submitted that it was peculiarly doubtful as to the credibility of the witness. He should now consider the evidence as if given on oath. If they went to Mrs. Clarke's evidence, and esteemed it, as of itself, direct evidence. If without Mrs. Clarke's evidence, they had only presumptive evidence, in which case it fell under the observation of our senses; but if it was above all exception, then nothing was left to probability or conjecture. Mrs. Clarke in her evidence asserted that, in a multiplicity of transactions, the Duke of York not only knew and approved, but suggested, authorized, and enforced her carrying on the trade to which she alluded. In fact that she was only the instrument, but that he was the instigator of these actions to save his own purse. He was surprised to find the Address so worded that it did not seem to rest on Mrs. Clarke's direct evidence, but on other presumptive evidence, "It is to be presumed," said the address. A Noble Lord* the other day

* Folkstone,

stated that he had great confidence in the testimony of Mrs. Clarke. it was, surprising, however, that the Noble Lord did not shew that he gave full confidence to her evidence by extending the terms of the Address. When a witness was seen to bear malice, if he was no consistent with himself or with others, the duty of those who were to judge of his testimony was to drive out of their consideration the whole of such evidence, so far as it was not confirmed by others. Then to see how much of Mrs. Clarke's evidence was in this state. All that passed in private between her and the Duke of York, and which, therefore, could not possibly be corroborated, was to be regarded with a jealous eye, because of the facility with which it might be fabricated, the ease of escaping punishment, and the difficulty of detecting it. On all of these accounts, the Judge, uniformly, in considering such a case, desires the Jury to receive it with the greatest caution, else men would be constantly at the mercy of such characters. It is then necessary to inquire, if there be any thing to break in on such a testimony, though it may not be able completely to contradict it. In this respect, she was in some instances contradicted by herself, in others, by the evidence of third parties. She was of course not what is called a perfectly credible witness, or one above all exception. The letters of General Clavering shew that she had dealings in commissions, but they did not shew that they were corrupt or not. Miss Taylor's evidence shewed a sort of corrupt dealing. He did not call on the House to disbelieve Miss Taylor; he did not think there was sufficient to invalidate her. But the question is, if Miss Taylor's evidence brought the question sufficiently clear before the House? They ought to know that this confirmatory evidence was true before they admitted it in corroboration of the other. It was not satisfactory to his Honour's mind the first moment he heard it; he thought Miss Taylor must have misheard what was said. For to say that Colonel French had behaved not well to her was a direct falsehood: every statement shewed that he had greatly exceeded his profits. If this was so, there was no corroboration of the evidence of Mrs. Clarke whatever, and the position of the cause was completely changed. He proceeded to shew that a person in Mrs. Clarke's situation might use influence in the way of recommendation, without occasioning any ground of suspicion of corruption on the part of the Commander in Chief. This must entirely depend on the number of her recommendations, and this number from the evidence before them he thought not sufficient to occasion any suspicion of the kind. Many men might think that they were not bound to give a verdict of acquittal when there were strong suspicions of guilt. There would be a contradiction in terms, however, where a matter was uncertain, and it was a doubt whether we should believe it or not, immediately to act as if we did believe it. The Honourable and Learned Gentleman proceeded to read a collection of

of the assertions of Mrs. Clarke, as to her influence over the Commander in Chief, and the use she made of it in the procuring commissions, &c. in the army. She stated that she did not commence the traffic till she began to suffer distress for money, yet it appeared that though she did not commence the establishment at Gloucester-place till the beginning of the year 1804, she had an office in full employ, and an accredited agent in the person of Mr. Corri, in February of the same year; that Corri was again known to Cockaine, and through them that Colonel French's levy was applied for. The Duke, she also represented as being in great distress, hardly able to give her occasionally an extra hundred pounds. When he had given her so unlimited a controul over the army as she herself had said, was it not wonderful that his Royal Highness, when at some time unable to give her the 100l. did not question her what she had done with the Majorities and Captaincies over which he had given her the disposal, whereas an Ensigncy might have done more than satisfied her wants; yet she did not tell that any such speech had ever been made to her.

Had the Duke of York given her such unlimited power as it had been stated she possessed, she ought never to have found any difficulty in getting her applications complied with. Would he in this case ever have obstructed her wishes? In many instances her applications had failed. French had been kept in suspense three months, and Tonyn had waited still longer, though his promotion was of great consequence to her. From a variety of instances it was evident she was miserably informed with respect to the regulations in the Duke of York's office in consequence of this she was so perpetually blundering about Tonyn's promotion. As to Col. Shawe, who made application to the Commander in Chief in 1804, it was not astonishing that he got promoted in 1806; it did not appear to be through her influence, which in his opinion, had in that instance totally failed. The case of Brooke and Knight, he next proved, afforded no indubitable proofs of her influence being so high as she wished it believed. Thus, from these circumstances, it was obvious she failed of accomplishing her object much oftener than she succeeded.

The Hon. and Learned Gentleman then spoke of the necessity of Princes regulating their conduct by the strictest rules of morality, as their example must be supposed to have a great effect on the conduct and ideas of a considerable portion of their fellow creatures, but it was not for the House of Commons to punish private immorality, he was for their proceeding according to law, but against assuming any arbitrary or discretionary power. They were only to punish adultery, or any other immoral action, as far as it affected the individual accused, in the execution of his official duties. That fact was therefore to be ascertained. He did not deny that His Royal Highness had not prohibited Mrs. Clarke from speaking or
waiting

writing upon the subject of Army Promotions.—(*A loud cry, of Hear, hear*)—It was against the Duke that he did not immediately and stedfastly prevent her from ever opening her lips upon the subject—(*Hear! hear!*) he ought never to have answered her letters—(*Hear! hear!*)—But this was not the question now; the question was not, whether he permitted her going so far, it was, had it led his Royal Highness to do any thing which was improper, and upon which this House should pass a vote of censure or condemnation? The Right Hon. and Learned Gentleman observed, that the nature of our law was such as to require unanimity in a jury, but it did not so require in any Judges, and least of all could it so require in the House of Commons upon any subject, and as little upon this as upon any other. The very nature of the assembly required that all its proceedings should be decided by majority.—He asked the House, whether they were prepared to pronounce upon this evidence against the Duke of York, if it were a question of life and death? For it was nothing less than that to such a character as that of his Royal Highness, when it was proposed that he should be disgraced and degraded. This would be the case if any course were taken except that of voting the resolutions proposed by the Chancellor of the Exchequer. He did not expect that there should not be variety of opinion in the House; but he trusted that a considerable majority would be of opinion, that the Resolutions of the Chancellor of the Exchequer ought to be adopted.—He was confident that the House would do its duty, and he was confident also, that whatever way the House should dispose of this question the public would be perfectly satisfied with their verdict.

SIR SAMUEL ROMILLY Mr. Speaker, although, Sir, I offer myself immediately after my Learned and Honourable Friend; it is by no means my intention to reply to his observations in more than such general answers, as appear in my mind to arise from the evidence before the House. I must confess that seeing as I do that evidence in a far different light, from all the professional friends who preceded me, I am therefore anxious not to give a silent vote upon this important subject. But in stating my reasons for this difference of opinion let not the House be alarmed at the idea of my entering into the various branches of that evidence and of commenting upon it in detail. I still do hope for its indulgence whilst I endeavour to point out those points, upon which, in my mind, this House, in order to arrive at a just and correct decision, ought to lay the greatest weight. I mean those strong and undeniable statements upon which, after comparing with peculiar strictness one case with the other, after exercising the most mature judgment, I am compelled to the necessity of, declaring it impossible for me to assent to the proposition of my Right Honourable Friend the Chancellor of the Exchequer, when he calls upon this House solemnly to decide, that there exists no grounds for imputing to his Royal Highness, either corruption or connivance in the disgraceful

graceful transactions which this enquiry has disclosed. Since the Honourable Mover* submitted his original Address to the Throne various propositions, in the shape of amendments, have been submitted to the consideration of this House. The amendment first proposed by my Right Honourable Friend the Chancellor of the Exchequer, goes at once to contravene the meaning and effect of the original Address. That of the Right Honourable Gentleman† though differing in the grounds, tends to the same effect as the original address. Upon all these propositions, I shall feel it my duty to submit a few observations to the House, at the same time that I endeavour to impress upon it the reasons why I should give my vote to adopt the original proposition, and for negating the different amendments.

The first question for us to consider is, whether there exists grounds for this House in its judicial capacity, to exercise that unquestionable right; and next, in the existence of such grounds, whether we ought, on that subject, to address the Throne. It was indeed with some astonishment I heard it argued by my Right Honourable Friend, the Chancellor of the Exchequer, that this House was called upon to declare its positive decision upon the guilt or innocence of his Royal Highness the Duke of York—that it was imperative upon it to give an aye or a no. Upon that point, that no other course of conduct was open to it, and that in not pursuing it, this House would deviate from the strict line of duty which was becoming both its own character and the claims of the illustrious personage accused. Surely there must be some mistake in the course which my Right Honourable Friend has recommended. For he must be aware that there never has or can be a question with respect to the right and power of this House, to address the throne upon the propriety of removing from a public station a public servant without coming to a distinct and decided opinion upon the guilt or innocence of the party against whom the address is directed (*hear ! hear !*) ; equally untenable are the conclusions that this House ought not to come to such a decision unless upon the grounds of complete evidence, that is, evidence complete in a legal interpretation and received under those sanctions, under which testimony is received in the courts of justice. I believe that in the history of Parliament, no such limitation has been set to the power of this House. It is not restricted from its inquiry by any such considerations. We are not, according to the Ordinance of the Roman law, compelled to the decision of guilty or not guilty, nor to the principle of the Scottish law, to *proven* or not *proven*. But if ever there was a case where this House was incapacitated from exercising such a judgment, it is upon the important question now before us. Here there is no choice of this nature given us, because we do venture to form an ultimate decision upon the conduct

* Mr. Wardle.

† Mr. Bankes.

of his Royal Highness we have no power to pronounce any other verdict than that he is not guilty.

My Right Hon. Friend has placed great stress upon the charges which, he says, were preferred by the Honourable Mover, and that therefore those charges ought to be met with a direct admission or denial by this House. I deny that this House has any definitive knowledge of such charges. In criminal proceedings, where a defined accusation is preferred before our ordinary tribunals, such accusations are reduced to writing, both for the purpose of enabling the judges to decide, and the accused to answer. Have we any such thing here? We have not. It is true, that very serious facts, highly to the disadvantage of the public prosperity, have been unfolded to us, which have rendered it necessary for this House to investigate the conduct of his Royal Highness the Duke of York, in his responsible character of Commander in Chief, but still this is not the tribunal at the bar of which his guilt or innocence is to be decided (*Hear! Hear!*). With the Noble Lord* under the gallery, I, to those who hold a contrary opinion, put this question—If this house are to try the question of guilt or innocence, where is the record? Indeed, it is only in the proposition of the Chancellor of the Exchequer, that in reviewing the occurrences of those times, posterity could at all trace that any such imputations as personal corruption and criminal connivance were attributed to the Duke of York. But what says the letter of the party accused? Does it not, in the strongest terms deprecate any attempt of this House to pronounce a decision upon his case? Does it not call upon you to refer the matter disclosed in evidence to be judged of by another tribunal, alone competent to that object.

And with respect to this unfortunate letter, unfortunate as I must call it, which only the worst advisers could have recommended, I do, from my soul, sincerely wish that it was possible at once to blot it from the Journals of this House, and to expunge it from the memory of every man in the country. In this letter the Duke of York requests you to avoid that very course of proceeding, which his defenders in that House now propose for your adoption. They call upon you to come at once, upon the evidence produced, to an open declaration of his guilt or innocence, although in this ever-to-be-lamented letter, his Royal Highness thus states: “ My consciousness
“ of innocence leads me confidently to hope, that the House of
“ Commons will not, upon such evidence as they have heard,
“ adopt any proceeding prejudicial to my honour and character;
“ but if, upon such testimony as has been adduced against me, the
“ House of Commons can think my innocence questionable, I claim
“ of their justice that I shall not be condemned without trial, or
“ be deprived of the benefit and protection which is afforded to

“ every British subject, by those sanctions under which alone evidence is received in the ordinary administration of the law.” It is therefore to deprecate such a decision, that I feel myself bound to oppose the resolutions of my Right Honourable Friend the Chancellor of the Exchequer ; but though I leave it to the tribunal most fit to pronounce upon the guilt and innocence of the accused, the right of passing its judgment, I still cannot hesitate to say, that, from the evidence this House has examined, I see no grounds for believing that his Royal Highness did not know of the disgraceful transactions which have been disclosed. I will not adopt the term *criminal* connivance, indeed I cannot see the necessity of its introduction, unless for the direct purpose of preventing three or four Members from supporting the original proposition. That proposition, after the best deliberation I could afford the subject, I feel the necessity of supporting, and there is no consideration shall make me shrink from the duty.

The House will excuse me whilst I make a few observations on those parts of the evidence by which I am induced to form my opinion.—In the first place, notwithstanding all that has been said and done to shake the confidence of that House, in the truth of her statements, I do not disbelieve the evidence of Mrs. Clarke. When first she appeared at that bar, the general impression was, that she was stating a baseless story. In every quarter the strongest doubts were entertained of her credibility. She was represented as alone actuated by hostile and vindictive feelings against the accused, and that of course every probability went in opposition to her statements. However, her evidence proceeded, and in its progress compelled the attention of this House. I do not pretend to say, that she is a witness who ought to be believed in every individual statement she made ; but I must and do consider her as entitled to credit in facts corroborated by other witnesses.

A Learned and Honourable Friend of mine, the Attorney-General, seemed to think, that in the estimate which this house should form of Mrs. Clarke's veracity, it was always to bear in mind, that she was an accomplice in the criminality, which she unfolded. But to what extent did this attempt at the impeachment of her credit go ?—Only to this ; that Mrs. Clarke, seeing that his Royal Highness had no objection to the exercise of her influence, took money from those, whom she served, for the exertion of that influence. This is the extent of her co-operation, this is the sum of her immorality in these transactions, and yet it is upon that species of immorality that the Learned Attorney-General endeavoured to impress upon this House, that she is not a witness to be credited at your bar, and that the testimony she has delivered is false. (*Hear ! hear !*) I do, in my conscience believe, that in this country there are many men capable of this species of immorality, of this very offence for the commission of which it is attempted to attach discredit to Mrs. Clarke, who would endure the exequity of human suffering

before they could be brought by any pretence to commit the heinous crime of giving false testimony. But even supposing the immaturity of Mrs. Clarke of a more aggravated character, as she is the most disreputable meaning of the term an accomplice, will it be contended that she, that accomplice, was incapacitated from giving evidence which this House, or any Court of Justice, would be authorised in refusing? By no means. The rule is, that even in capital cases, a Jury can convict upon the evidence of an accomplice, where that evidence is corroborated even in a single point.

The Noble Lord, * under the Gallery, did on a former occasion refer to a case where such evidence was fully approved by the most able lawyers. Two men had been indicted for a highway robbery, but the party robbed were unable to identify them. The other witness produced was an accomplice, and though he swore that the robbery was committed by three persons, although the party robbed believed there were only two, still the coincidence of the accomplice, with the testimony of the other witness, in another solitary case, led to the conviction of the prisoners, which conviction on a subsequent reference to the Twelve Judges was declared a legal verdict. There was also an analogous case, the King v. Durham, tried some time since at the Old Bailey. Indeed, it was only in cases, where accomplices were themselves found guilty of felony, that their testimony in any legal view was considered either incompetent or inadmissible. So if Mrs. Clarke have been convicted of any offence, with which it is now attempted to impeach her, then and only then could there exist any reason for refusing the testimony, which she gave with respect to the different contradictions which appeared in her evidence. Such as those relative to the 200l. note, and some other statements, they could have no great effect in estimating the reliance which this House ought to place upon other points, because it was to be remembered all such contradictory answers were of a nature, wholly immaterial to the facts with which the Duke of York was charged. I do most certainly admit that in a Court of Justice, where a witness is examined under the solemn and serious obligation, upon the sacred observance of which he pledged his hopes of salvation, the most immaterial contradiction is conclusive against his character for veracity, but no such consequence can be presumed, where a witness makes immaterial contradictions under the tenor of no such obligation, or restrained by the consequences which would follow the violation. Thus, though it was impossible not to acknowledge that Mrs. Clarke had frequently contradicted herself, still the house must feel that it was upon points in which she seemed to have no interest in the contradiction, neither did they at all affect the main object of the investigation.

This opinion I have formed from an attentive consideration of her conduct at the Bar—conduct, which, in my mind, whether from a want of sensibility, or notwithstanding the fascinations of which

* Folkestone.

we have heard so much, excited no other feeling than disgust. In the course of my professional career it has been my painful lot to see too frequent examples of deliberate perjury, but in such cases I have uniformly observed, that the person who came prepared to forswear, came also prepared to evade examination, and to guard against the consequences. But what demeanor did this witness exhibit? Directly the reverse. She appeared in all the pride of levity. She received your interrogatories with a marked inattention, because she had the knowledge, that the basis on which she depended would fully bear her out. She smiled at your cross examinations, she answered with repartee, and she withstood all the endeavours which were so successively made to waylay her from her statements, supported by nothing but the consciousness of the truth of that she said. Besides, it was also to be recollected by this House that the Honourable Mover, had declared in his evidence, that he had forewarned her of the necessity of strict adherence to truth, and of the peril which would attend its disregard. With such a knowledge of consequences, though Mrs. Clarke did not appear at the bar, under the sanction of an oath, yet she did come there under the impression that quick and immediate punishment would await her if she prevaricated. I believe there were other witnesses examined, who came under a far different impression, (*Hear! hear!*) and the consequence was, that they started not at falsehood, but actually set truth at defiance.

These were the general observations with which I feel it my duty to precede the few observations which I intend to offer on the evidence itself. In the whole course of my practice or of my reading, I have never met a case standing upon such a strong foundation. A woman appears at your bar, to tell a very incredible story. She makes her disclosure with a courage and a confidence which only truth could justify. She knows of large bundles of letters referring to the accusation, which she was then preferring, which were found with Sandon, and with the landlord of her former lodgings. She evinces no anxiety to know for what object they were produced. These letters are minutely examined; witnesses for the avowed purpose of rebutting her evidence, are produced at your bar. What is the result of all these operations? Is it refutation? Is it contradiction? No such thing. Every witness, every document, all go, not only to bear out her evidence, not only to corroborate every particular of her statements as referring to the inquiry, but carry conviction to an extent far beyond that which her testimony originally unfolded (*Hear! hear! hear!*) And unless we shut our eyes to truth and facts, it is impossible but this unexpected confirmation of her statements must make a considerable impression. For my part, I cannot bring myself to reject her evidence even upon points not corroborated by other circumstances. When first my attention was directed to some parts of the conduct imputed to the Commander in Chief, I hesitated long before I could

give credit to them. It does, however, now appear to me, that from what we have learned on other points, not immediately connected with military transactions, that there is very strong probability for believing. It is with regret that I am compelled to mention them; they have indeed been already submitted to this House by the Noble Lord* under the Gallery, with that degree of talent which all must admire, particularly when united to that pure and unadulterated honesty, which so strongly marks the public life of that distinguished Nobleman—(*Hear! hear! hear!*)

In the case of Kennett, to which I allude, we find Colonel Taylor recommending Kennett to obtain a recommendation from Sir Horace Mann. And with that occurrence in our view, when we hear such stress laid upon the regularity of the recommendations, which were made in favour of the different officers, whose promotion was obtained by the influence of Mrs. Clarke, is it not probable to presume that such recommendations were procured for the express purpose of covering and concealing the real and successful operation; and what reliance can this House affix to the undefined answer, which has been so frequently given at your bar, namely that such an officer was recommended at the instance of a most respectable person.

The case of Miss Taylor has already engaged a considerable share of the time and ingenuity of my Learned Friends who have preceded me in this discussion. For my part from the character, demeanour, and evidence of that young woman, I rely fully upon her credit. Her having kept a boarding-school has produced much comment, but allow me to say, that the very fact of her having children committed to her care and protection, is no slight evidence of the purity of her life and character. (*Hear! hear!*) And from what has happened to that unfortunate young woman, since she was examined at this bar, which the Noble Lord, with so much feeling, communicated to this house on a former evening, namely, the loss of all her scholars, we must conclude, that the persons, who since this inquiry, had withdrawn their children from her care, were persons attentive to the precepts and principles of morality, and that they were persons upon whose good opinion of Miss Taylor, this house must rely, in estimating the general tenor of her life. I will ask, what interest could that witness have in giving the testimony she has given, if it were untrue? Can you suppose that she was actuated by either hostility or resentment against the accused? To imagine that her inducement arose from a connection by marriage with Mrs. Clarke, was an idle assumption. And what interest could she have in appearing against so powerful and exalted a Personage as the Duke of York? But perhaps we shall be told that she was brought here by the interest of money. That is, that she was a bribed and suborned witness. Will a Court of

Justice act upon such an assumption? Will this House in investigating the conduct of the Son of a King, presume an inference, which, on the trial of any other person, in our subordinate tribunals, would not for a single moment be listened to? Then what says Miss Taylor's evidence?—she states that the Duke of York inquired of Mrs. Clarke how Colonel French conducted himself to her. I call upon every man who hears me, solemnly to ask himself—for *what honest purpose* could his Royal Highness have made this enquiry? (*Hear! hear! hear!*)—How could he know that Mrs. Clarke had any connexion with Colonel French? If she had made any communications on his Levy, was it not the duty of his Royal Highness directly to stop her, to, as it were, shut the door in her face? But when we find that he asked, how French behaved to her—what construction can you put upon these terms? what inference can you deduce from them? I protest to ray God, that in every consideration I have given to these expressions, I can entertain no other construction, I can arrive at no other conclusion; but that in using these expressions his Royal Highness, meant directly—Is French liberal to you? Does he supply your pecuniary wants?—(*Hear! hear!*)

The next point that presents itself to my view is this mysterious letter, which I most certainly do assume to be the letter of the Duke of York. If that is not established in evidence, I know not what fact either is or ever was. Did the life of a fellow-creature even depend upon the avowal, I could not hesitate in asserting that letter to be the hand-writing of his Royal Highness. It was to be considered, that at the time the Duke of York declared it to be a forgery, he had not seen the letter itself; and I am convinced, that if it were shewn to him, he would at once express a similar conviction. Here it is impossible for me not to advise those who introduced the comparers of hand-writing to reflect upon the very dangerous precedent which they have introduced. There have been cases where such persons were produced to prove the hand-writing of the same person to two different documents; but for this occasion was it reserved to introduce witnesses to prove from comparison that a paper alledged to be the hand writing of a party was not his hand-writing. Indeed, if such a precedent was allowed there would be no safety in some of the most serious transactions of life; it is the most injurious attempt that ever was laid before any judicial or enlightened assembly.

But a Right Honourable Gentleman * had assumed that Mrs. Clarke and Miss Taylor were both in a conspiracy, and that they had forged this letter with consiminate address. Now, it is extraordinary that not one of their means for curing on this conspiracy has been proved or attempted to be proved. The truth appeared on the face of this letter itself. It was probably written at the Horse Guards. It was a mere letter of

business wholly unconnected with any of those other circumstances, which so particularly characterised the other communications of his Royal Highness. It appears to be a hasty answer to a sudden application. The words are, "I have received your note, " and Tonyn's business shall remain as it is." What does it mean? Nothing more than that the business at the War Office should be stopped upon an application of this woman—(*Hear ! hear !*) Perhaps there is not the fullest proof to warrant the conviction of this House ; but of this I am sure, that there is sufficient to make out the strongest suspicion, that such was the motive and such the effect.

The next question, that when we have only strong suspicion, it is not a sufficient ground for removal from office. This doctrine I deny, because, although upon suspicion, it would be unconstitutional to punish, it is still a sufficient ground for dismissal. Is this House not competent to address the throne for the removal of a person charged with malversation in office, until it has gone through all the numerous and tardy processes of an impeachment? Did this House suffer a first Lord of the Admiralty, Lord Melville, to continue at the head of that department, because the evidence which it had received against him was not given under the sanction of an oath? Did not this House follow up its decision against that Nobleman with an address to the King for his dismissal from place and counsels, and not for any act done during the period, when he was at the head of the Admiralty, but for practices which had taken place when he held another office, and at a distant period. I am reminded that the proceedings in evidence against Lord Melville were taken on oath : still if the want of that sanction is so very imperative in its consequences, there is at once an end to the judicial capacity of this House. Is this House to disfranchise itself of its right, particularly the right and capacity of inquiry into the abuses of establishments ; of sifting the mal-practices of persons in office, forsooth, because it cannot examine under the sanction of an oath? In a word, that this House, the guardian of the public character and credit, is incapacitated from calling for the dismissal of those who have grossly abused their high situations in which his Majesty had placed them.

I would be glad to know what opinion would be entertained of any other person, suppose the predecessor of the Commander in Chief, if it were proved that his mistress had trafficked in the purchase and promotions of the army? That wherever he was paid, preferment followed the bribe, that so frequent were the examples, as to become the subject of general notoriety? That General Officers of repute in the service had heard and acted upon it? That the Commander in Chief himself was known, under the influence of this mistress, to go out of his own department into another office, for the purpose of forwarding her projects, and that all these transactions were set in motion and directed

reected by a person living in his very Household? I do not say, that the knowledge of those transactions constitute a crime, but of this I am certain, that any subject in these realms thus acting, would be pronounced incompetent longer to remain at the head of the army. I know the impossibility of treating the Royal Personage, whose conduct we are now considering, by the same rules, as this House would observe to the other subjects of the Crown. Indeed, we have, notwithstanding the application for a trial on the same principles as are extended to ordinary persons, been pretty broadly told by the opposite side, that we cannot proceed to any decision against the Duke of York, unless we make up our minds to alter the succession to the Crown. If such be the case, can we in the same breath be told, that this House should extend to his Royal Highness the same measure of impartiality to which the meanest person in the empire had a right.

There has been much said of the duty of this House not to surrender its opinion to popular clamour, or to an improper influence without these doors. There is no person within these walls would more strongly deprecate any improper influence upon the sober and correct judgment of this House than I would; but I must at the same time observe, that it highly becomes us if we should differ from the well judging and well-informed out of doors who will quickly discuss our decisions, and appreciate our motive, to feel within our breasts that the judgment which we may pronounce is such as our conviction warrants and our conscience approves—(*hear ! hear !*) Let us recollect that it was we who created this public agitation; that it was we who granted to the accused that publicity, which his defenders in this House so strenuously demanded—(*hear ! hear !*); that it was we who sent by every day's post our proceedings upon that subject to be canvassed in every corner of the kingdom. With this recollection, and with the knowledge of what the effect has been, is this House now to be desired to turn a deaf ear to the opinions of the public? With every respect and attachment to the character and dignity of the family on the throne, I still think no attachment or regard can exceed what I feel due to the character and dignity of this House. And grievously, indeed, should I lament the loss of its character and the destruction of its interests, if I ever lived to see the period when this House became insensible to the wrongs of the people—when the public complaint was heard with indifference. If the representatives of the People should, to the gratification of their calumniators, be ever reduced to that degraded state of servility and debasement, believe me, there is no saying what tremendous consequences may follow (*Hear ! hear ! hear !*). I lend not my apprehensions in such a case to the calamities of a civil war, but I hold in a dreadful perspective all the horrors and atrocities of a civil war, carried on by the lowest of the people (*Hear ! hear !*).

• I beg

I beg pardon of the House for having so long trespassed on its attention (*Hear ! hear !*), but I cannot sit down without declaring, on my conscience, that in the whole course of my life I never gave a vote more reluctantly than I shall on this momentous question ; that I have wished, from the beginning of this inquiry, to be enabled, consistently with the sacred principles of impartial justice, to pronounce a different opinion . but that, from the consideration which I have bestowed on the subject, it is not in my power to put any other interpretation than what I have this night delivered, upon the evidence examined at your Bar. (*Hear, hear, hear !*) The venerable Judge, Mr. Burton, who took an early part in the discussion of this question, did allude to the few inducements which the remainder of his life presented to him. Though not arrived to the same period of life as that Honourable Gentleman, and feeling, as I do, for the prosperity of those with whose happiness mine is connected, I still do declare, that whatever may be the issue of this most serious subject, both in the conduct I have pursued, and in the vote I shall give, I have in no degree been influenced by either hope or advantage.

Mr. H. SMITH regretted that in these resolutions there was no propositions which would bring the House to a distinct vote of Aye and No upon the accusation. He admitted that the House had full powers to proceed to the extremity of judgment, and even to inflict punishment, but he did not consider that the sort of *ex parte* evidence given was sufficient to induce the House to believe there was that sort of connivance in the Duke to justify their inflicting censure or punishment.

The SOLICITOR GENERAL considered that the first question was, whether the House should decide upon the guilt or innocence of his Royal Highness ; and next, whether an address ought to be presented to his Majesty. It appeared to him, that the House should come to a distinct determination respecting his guilt or innocence, and also as to the degree of guilt or innocence. He considered, that such an Address as was proposed to be carried up to the Throne, would have been an irreversible sentence of condemnation against his Royal Highness for moral and political guilt. The words of the Address were vague and equivocal in the highest degree. He could not see, that in morality or in law there was any difference between connivance and participation in corruption. If the Duke had given commissions and military appointments at the request of Mrs. Clarke, with a suspicion that she received money for her influence, he would have been as corrupt as if it was within his knowledge. He therefore saw very little difference between the two Addresses, and should infinitely prefer a distinct resolution being proposed to the House. The voting for either of these Addresses would be passing a judgment from which there would be no appeal, which would be recorded for ever, which would attach infamy to the Duke, and be a severer punishment

punishment than stabbing him to the heart. (*Hear ! hear !*) If the charge of foul corruption was thus fixed upon him, how could he appear in the army, or hold up his head in society? He thought that an address for removal would be too little if the Duke was guilty, and too much if he was innocent. He did not deny that the House would be justified in calling for removal in many cases, but in this case, what was to be considered were the direct charges of corruption.

He then defended the letter of the Duke of York to the House, which he considered as perfectly constitutional. He considered that no British subject ought to be criminally punished either in life, or character, without being furnished with the charge against him in writing, and without having been heard in his defence, and condemned by his peers. He then went at some length into the examination of the evidence; and the sole question appeared to him to be, whether the Duke was privy to those abuses committed by Mrs. Clarke? He thought there was not a tittle of evidence to shew that he knew of her receiving money. The reason that he had discredited Mrs. Clarke, was not merely from her character and her demeanour, but from her own account of herself.—She was an Army Broker, and the trade of Army Brokers was lying and cheating. (*A laugh.*)—With respect to the privy of the Duke, all the other witnesses had contradicted her. Neither Donovan, nor Sandon, nor Corri, or any other of her agents, believed that the Duke knew any thing about the money. Mr. R. Knight, also, contradicted her. Mrs. Hovenden gave evidence, that Mrs. Clarke had talked to her of “working upon the Duke’s good-nature.” The documentary evidence did not appear to him to corroborate Mrs. Clarke with respect to what only was material, the *privy of the Duke*. He then commented on Mrs. Clarke’s letter to Donovan, which appeared to him to prove fully that Mrs. Clarke was not an unwilling witness, as she had represented herself. This would also appear from her last letter to Mr. Adam, when she stated, “that if her request were not attended to, she would put the letters into the hands of Gentlemen as obstinate, but more independent than the Duke, and who, from pique, would do what he would not.”

The Learned Gentleman then argued at great length on the improbability of an illustrious Prince of such high rank, associating with such miscreants as the witnesses. If he had entered into so foul a plot, he would have chosen some supple, bending, complying agent for his Military Secretary, and not such a man as Colonel Gordon, who had set himself against Army Brokers. Very severe orders had been issued by his Royal Highness against Army Brokers about this very time, and this was a pretty strong proof that he did not then connive at those foul practices which were then transacted through the medium of Army Brokers. Would he, in case
his

his transactions were dishonourable, have chosen one of the most honourable men in the profession (Mr. Adam), to have instituted enquires about the conduct of Mrs. Clarke? If the Duke had been conscious of privity in those corrupt practices, he would not have ventured to have set her at defiance. If he had not a high sense of the value of honour and character, he would not have parted from Mrs. Clarke, when he found her character would not bear investigation; and it was not natural to suppose that a man who at one time had so high a sense of the value of character in a woman living under his protection, should at another time think so slightly of his character as to run the risk of exposure, if he had not been conscious of his innocence.

In answer to the observation, as to the great length and severity of cross-examination of witnesses, and particularly Miss Taylor, it was done from necessity, to screw out the truth from persons who would otherwise have concealed it. Did not Sandon pertinaciously stick to a close story? and had it not been that they were in possession of the secret about the note, it would have been impossible to have detected his falsehood, and it was by cross-examination chiefly they were enabled to effect it. Besides, the cross-examination of witnesses who were against Mrs. Clarke, was conducted with much more harshness, particularly Nicholls, who, at the especial instance of Mrs. Clarke, was asked whether he had not forged a will, and whether he was not parted from his wife on that account. But it seemed the cross-examination of some witnesses was deemed harsh, whilst one still much more strict and more offensive to others, was not taken the smallest notice of. He then contended, that Miss Taylor was by no means so clear an evidence as she had been represented by Sir S. Romilly and others, for she had said that she never knew Mr. Clarke was in business; when it was proved he was a stone-mason; and that she never knew her father went by any other name than Taylor, when it was proved positively that he went constantly at the Stock Exchange by the name of Chance. He would not detain the House further than to say, that the House could not then be prepared to enter upon the question of the Address, in either case, till they had first determined the question of Guilty or not Guilty of the corruption or connivance with which the Duke of York had been charged.—The learned Gentleman having closed his speech,

Lord CASTLEREAGH moved, an adjournment.—Adjourned at Half-past Three.

TUESDAY, MARCH 14.

On the Order of the Day, being read,

Mr. WYNNE said, he would have offered himself to the notice of the House last night, after the Honourable and Learned Gentleman who closed their proceedings, had he not perceived that they were

were too much exhausted to attend to any additional observations. After stating the object of the original motion, and the five amendments which had been made, he objected to an assertion, which had been made by a Right Honourable Member, that it was the first bounden duty of the House to enquire into the alleged corruption, and come to a decision thereon, before they would adopt any further proceedings. That was a doctrine which he totally denied, as the House had an undoubted right to adopt any line of procedure they pleased; and if the vote to which the House should come should not render it unnecessary, it was his wish to move a Resolution, that when a complaint was made against any Officer of the Crown, it was competent for the House to examine evidence upon the subject, and come to any resolution they thought proper upon the subject without being compelled to appeal to any other authority.* It was an inalienable right transmitted by our forefathers, and supported by a vote of the House in the proceedings relative to the Duke of Lauderdale, who had asserted in Council that the King's orders had equal authority with an Act of Parliament. It was likewise founded in reason, for no man could deny that a private man had not, at all times, a right to dismiss his servant upon his own suspicion, although he might not be able to prove any specific charges against him. The situation of Commander in Chief was unquestionably a public officer, and although he could not vote the Duke of York guilty of the charges which had been adduced against him upon the evidence had been taken, yet the circumstances were so strongly suspicious against his conduct, that he felt it his duty to vote for having him removed from his exalted situation. In proceedings by impeachment, some deviation had taken place from former proceedings. The old law on this subject was, that the person was accused generally of having misdeemeaned himself in his office, and the several articles exhibited on that occasion were considered as so many overt acts, which went to support the general charge. But this practice had been changed of late years, particularly in the case of Mr. Hastings, wherein the High Court of Parliament had decided upon each individual charge, instead of drawing a general conclusion. To apply this, the case of Samuel Carter may be thought wrong in itself, and yet not afford ground sufficiently strong, whereon to found a verdict of guilty. If, then, there were fifty such, each of them would fail individually, although on the whole, as taken together, his Royal Highness might be thought to have misdeemeaned himself. There was a charge, which, in his judgment, was by far the heaviest of any other, and yet it was one which could not be made the ground of complaint, in as much as it was incomplete. He alluded to the negotiation of the loan with Kennet. If that transaction had been brought to a conclusion by the meditated appointment of Kennet, that would clearly and incontestibly prove the charge of corruption.

tion. In the first instance, he was referred to Colonel Taylor, the Duke's Secretary; on the second interview he made application for a place, upon the recommendation of Sir Horace Mann, over whom, as a notorious money-lender, he might be fairly presumed to have an interest. The Duke upon this applies in his favour for the place of Collector of the Customs at Surinam. Now this application was either made out of extraordinary regard for Sir Horace Mann, or else he applied for what he himself was interested in the procurement of. Can the former be rationally supposed? What in that case would have been the natural conduct of the Duke? Would he not have absolutely refused to suffer the application for the place and the negociation of the loan for himself to go on together? But yet the thing did go forward, until it was discovered that Kennet was an infamous character, and in fact wholly unable to procure the loan he had promised. This then was a transaction, which, taken alone, was sufficient to render the Duke wholly unfit to fill the station of Commander in Chief.

He could not agree with those Gentlemen who were for putting the testimony of Mrs. Clarke entirely out of the question, but doing so, for the sake of argument, he contended, that enough of evidence remained to satisfy any person to the extent he went. Miss Taylor's evidence was admitted by a Right Honourable Gentleman to be unsuspected and worthy of credit, and he considered it as at least another ground for grave suspicion. He vindicated the answers of Miss Taylor to the questions put to her respecting her father and mother, and in answer to what was said by the Solicitor General last night, maintained, that the House was averse to nothing but examining her upon delicate and irrelevant points, and that the questions put to Mr. Nicholls were not parallel to her case, as they went directly to impeach his credibility.

Independent of both Mrs. Clarke's and Miss Taylor's evidence, the documents and letters on the table proved, that in six instances the Duke of York had allowed Mrs. Clarke to use her influence in appointments of various descriptions. He excepted Shaw's, as there were applications from other quarters, and also the exchange between Brooke and Knight. The first case was that of Clavering, where it appeared, from the Duke's own letter, that Mrs. Clarke was permitted to interfere even in the disposal of a regiment. The second was Tonyn's, and he was more surprised to hear the Right Honourable the Chancellor of the Exchequer, doubt the authenticity of what was called the Mysterious Note, than he would have been at the scepticism of any other Honourable Member of that House. For he recollected that Right Honourable Gentleman in his professional capacity as Attorney General, to hold a diametrically opposite opinion in the case of an Irish Judge (Johnson), where the only proof of the libel rested on the comparison of hand writing. Without the note, however, the

the case was sufficiently proved. The third point was Samuel Carter's commission, and he would have been as willing to pass over this part of the subject as any of the Gentlemen on either side, had it not afforded so convincing a proof of the influence of Mrs Clarke, who could prevail on the Commander in Chief to take a person from behind her chair, and getting the better of all the scruples he must have felt on the occasion, reflecting how it would be received by the army to bestow a commission upon him. The excellent conduct of that young man would, he hoped, now prevent him from receiving any injury from the lowness of his origin, but let any Gentleman put it to himself how he would have liked a person, taken from waiting behind the chair, or going behind the carriage of such a woman as Mrs. Clarke, to be made a companion for his son. Dr O'Meara's was the fourth instance, and if one was worse than another, this was that one. The Paymastership to Elderton was the fifth clearly proven; and the last was the appointment of Dowler to the Commissariat. The Honourable Gentleman went into an examination of the evidence in this latter case, and argued, that it was completely established that the appointment was procured through Mrs. Clarke.

These being his opinions from the written documents, his vote would be the same were Mrs Clarke's evidence totally erased from the minutes. What would be the effect, the Honourable Gentleman asked, if the Duke remained in his situation? If ever another woman should be in Mrs Clarke's situation, she would think herself entitled to the same influence; and if ever this should be the case, the Honourable Member contended that she had better sell that influence than give it; for a deserving officer might be tempted to give her a sum of money, and have done with her; but he could not be very worthy of the situation, who was intimate enough with such a woman to obtain his promotion gratuitously.

Upon the whole, the Honourable Member was of opinion, that there were sufficient grounds to address his Majesty for the removal of the Duke of York. the cases of influence which had been proved were sufficient, and the general notoriety that by means so infamous promotion might be obtained, was a sufficient ground. There was but one way of proceeding, and that was the retirement of the Duke of York. The Address originally proposed, the Honourable Member thought, stated more decidedly than was proved, the Duke's knowledge of the pecuniary advantage which had been derived through Mrs Clarke's influence, but there were so many grounds, upon which the notoriety of that influence was apparent, that he should not hesitate to vote for the Honourable Member's (Mr. Banks's) Amendment.

Mr. CROKER said, as the present discussion was protracted, the difficulties seemed to increase. He wished he had had an opportunity last night, at the close of the speech of the Honourable

Baronet, of addressing himself to the House, because there were some particular expressions to which he wished to have alluded. The Honourable Baronet had been pleased to favour Gentlemen on that side of the House with a little advice. He should be sorry to presume to intrude his advice, but if he might venture to give an opinion, the Honourable Baronet was not quite so successful in his pleasantty as he had heard him when he adopted a more grave and serious tone. The Honourable Baronet had thrown out many things against the Gentlemen of the Law. he was right in doing so; he did wisely in attempting to depreciate them. He said the profession of the law had so abused the inferences to be drawn in this case, that he could not come to a right decision. He would ask that Honourable Baronet whether the independence of the profession of the law, was not equal to the profession of a candidate?—(*A loud laugh*)—It might be laughed at, but if they were to take any opinion upon this question, they were more likely to have sound argument, just inferences, and legal decision, from those who had exercised their lives in Westminster Hall, than from those who exercised their talents upon the hustings.—(*Hear ! hear !*)

During the examination, a circumstance had been mentioned which involved the name of the Honourable Baronet, which he did not himself believe; but as he, Sir Francis, had not explained, nor contradicted it to the House in the course of his speech, he should state the circumstance, merely that the Honourable Baronet should explain, although it was his firm belief that Honourable Member had never made the offer to Mrs Clark, which he believed she had pretended. When Mr Donovan was under examination, he mentioned, under an apparent agitation of spirits, that Mrs. Clark told him that she had been promised four thousand pounds by the Honourable Baronet for the papers in her possession, which she refused to give up under ten thousand pounds, but Mrs. Clarke in her examination denied having ever been made such an offer, or having mentioned it to Mr. Donovan; but in her letter to Mr. Adam, she said, that if her terms were not complied with, she would deliver all the letters in her possession to two Gentlemen, without naming them, however, but whom she stated to be as positive and independent as the Duke. That was a fact of some importance, and he trusted the Honourable Baronet would inform the House whether he was one of the Gentlemen then alluded to.

After the many able speeches which had already been made, it was not his intention to go over all the evidence, he should only mention such parts as were striking. The conduct of Mrs. Clarke appeared to him to be infamous and detestable in the highest degree, and it was a matter of astonishment that some Gentlemen should take so much pains to make her testimony appear to advantage. She was perfectly aware that the evidence of an accomplice,
voluntarily

voluntarily given, would be received with great caution, and on that account she pretended to give her evidence on all occasions with great reluctance, in order to give it greater weight, and thereby blow up the flame of the prosecution, from the most malicious and revengeful motives. That her testimony might have the greater weight, she had not even hesitated to contradict the Honourable Gentleman who brought forward the charges, to his face. She pretended that the letters taken away from her by him were taken much against her consent, which could not be the case, because they did not at all relate to the conduct of the Duke of York, but mentioned only the Queen and two Deputies. Those letters, however, the Honourable Member produced, and he was extremely happy at the circumstance, because, in his opinion, they gave a death blow to the whole prosecution. They were dated in the month of December 1808, upwards of two years after she had separated from his Royal Highness, and evidently proved that at that very moment she was carrying on a corrupt traffic, when she could have no possible influence with the Duke of York. Being asked whether she made use of the Duke of York's name in these transactions, she said no; but that people might believe that she had some influence with him. The audacity of the witness, which had been termed flippancy, was scandalous and disgraceful.

Colonel Gordon, the Noble Lord and the worthy Baronet said, had kept back a letter connected with the charge regarding Colonel Knight and Brooke. The fact, however, was, that this letter had reference principally to another commission, and was, of course, put up among a different collection of papers. The pencil marks were also objected to, as implying something wrong in the conduct of Colonel Gordon. Were not pencil marks, however, more easily effaced than writing, and as they were supposed to militate against the Duke of York rather than for him, if Colonel Gordon had not been a man of the strictest honour, might they not have been erased. It was next objected against Colonel Gordon, that he had kept Captain Maling, whom he saw every day, out of view, and introduced another Captain Maling in his stead. Was it not a fact, however, that the Captain Maling about whom the inquiry was made, was stated to be a Captain in the African Corps, said, with a sneer, to be commanded by his Royal Highness's Private Secretary? Mr Maling, in Colonel Gordon's Office, had not had three rapid promotions, he was not in the African Corps. He had never been a clerk of Mr Greenwood's. To him, therefore, it was impossible for Colonel Gordon to suppose that the inquiry referred.

Having vindicated Colonel Gordon, the Honourable Member proceeded to declare that there was not an expression used by Mrs. Clarke which was not incontrovertibly false. Her evidence

was one of those media, by which even facts were so changed as to become the more hideous. The Honourable Baronet had compared her testimony to a drama. It was so. There was plot in it—there was fancy in it—there was trick in it. He had said that she might as well be supposed capable of writing the tragedy of *Macbeth* as of inventing the evidence she had given at this Bar. There was indeed great invention in the whole course of her proceedings, and while the tragedy alluded to introduced spirits which were intended to improve the heart and to lead on to virtue, *Mis. Clarke's* drama introduced a nest of harpies, whose business was to contaminate, defile, and destroy the object of her revenge. She stated, that a message had been sent to her by the Duke of York, the bearer of which was his confidential friend, and on being asked who this confidential friend was? well prepared for the question, she answered—One Taylor, a shoe-maker in Bond Street.—What was the object of this, but to represent that his Royal Highness had taken into his confidence such a wretch as that. The insinuation was shocking and detestable, but what must the House think, if it should be false, and as it actually turned out, that this message had been returned by a messenger of her own. He asked if the honor which must be felt at such a statement, must not light on the head that contrived it? Again, she was asked, why the Duke of York parted with her? Her answer was, because she refused, as a defence against her debts, to plead her coverture. Her lawyer, however, was called, and on the question being put to him, his answer was, that she had pleaded her coverture, and after that the Duke was so hurt that he could not live with her. These were contradictions which went to the very charges brought against the Duke of York. It was more abhorrent to his (*Mr. Croker's*) feelings to hear vice complimented, than even to hear virtue traduced. It was more against morality. When we set vice in a car, weak minds are led along and wish to follow it at last. The instructions which she alleged she had received from his Royal Highness, “If you are clever you need never want money—you have more interest than the Queen,” More infamous, more detestable, more avaricious sentiments were never uttered (*Hear! hear!*). He was glad to be cheered; he hoped they would cheer him again when he came to the catastrophe, and poured it on the head of *Mis. Clarke*. Those instructions were stated to have been given her when she began to get into trouble, and yet it appeared from the dates, that the cases of *Tonyn*, *Spedding*, &c. all took place within two months of her going to reside in Gloucester Place. She pretended to say, that Colonel *Wardle* had promised not to mention the case of *Samuel Carter*. If she had felt regret at this circumstance, why degrade him with the name of foot-boy. The commission in favour of this young man was dated the twenty-first of March, 1803, and though *Mrs. Clarke* could not so far recollect dates as to state when
her

her acquaintance commenced with so insignificant a being as the Duke of York, it was a fact that she did not begin to reside in Gloucester Place, till the eighteenth of that very month. Captain Sutton too, it was to be remarked, was alive at the time, and, as the father or protector of the lad, returned thanks to the Duke of York, for his commission. As to the case of Major Tonyn, he asked if it was effected by the interest of Mrs. Clarke, how it happened, that she could not make Spedding, from whom she was to have got two hundred pounds more than from Tonyn. The fact was, that there were in the gazette announcing 'Tonyn's appointment two hundred names, and this was the only one in which she had any interest. She kept, as it were, her lottery insurance, and this was the only prize drawn. Yet in spite of all this, the Duke of York is represented as one of the most woman ridden ruffians in the kingdom. (*A laugh*) This is their argument, but, if guilty, he deserves more; if innocent, let us not be ashamed of saying so.

The Honourable Gentleman proceeded to notice the cases of Elderton, Colonel Taylor and Captain Tucker, in the two former of which, he argued, that Mrs. Clarke had nothing to say, and that the last was a mere fabrication. He next alluded to the case of Captain Shaw, and stated, that so far from this officer being placed on half pay through her means, the very day he was so reduced, was the last day on which Mrs. Clarke had seen the face of his Royal Highness. Who, therefore, would believe, that at the very moment he was parting with her for ever, he would at her instigation commit the most detestable act of his life, supposing it to have been done to gratify her revenge. Having gone through the different cases, he alluded to the case of Mrs. Clarke's brother who held a commission in the army, and from whom when she wished for any favour, she did not apply to the Duke for it, but employed Captain Sandon to negotiate for it. From a view of the whole of her evidence, he would acquit the Duke of all participation or corrupt connivance; but he was sorry indeed to say, he could not give him an unqualified acquittal, he could not give him such a triumphant vote as he would have wished, when he considered that he had deigned even to answer so vile and profligate a woman, with respect to the advancement of General Clavering; he could not help considering such conduct as in some degree culpable, though at the same time, he could never think this circumstance ought to weigh with him to pronounce an unqualified condemnation. When he said this, he spoke with as fair an intention as any man in the House; he would preserve a proper consciousness of the importance of character, and scorned to dishonour his life as he would do if influenced in the vote which he would give by any undue consideration. He hoped then, though he was a lawyer, the purity of his intentions would pass unquestioned, as he was certainly very far from doubting the sincerity of those on the op-

posite side of the House who differed from him in opinion. When he said this, he with pain observed that the resolution of his Right Honourable Friend did not go to attach sufficient blame to the accused; but with respect to the resolution of the Honourable Gentleman opposite (Mr. Bankes) he should have little hesitation in his choice, he should certainly prefer the Address of his Right Honourable Friend (the Chancellor of the Exchequer), because he wished to go boldly up to the throne, and pronounce his opinion, and shew that he dared to do so, and not basely compromise his feelings. If the Duke of York ought to be removed, surely the House would not be afraid to say so (*Hear, hear*). The middle way, however, which the Honourable Gentleman proposed, in his mind, was not fit for the House to adopt. He did not expect it from the pompous opening of the Honourable Gentleman; it was indeed, "*Parturiunt montes et nascitur ridiculus mus*," "the mountains labour, and the mouse is born!" What, after their long examination, and then daily and nightly discussions (for indeed they had blended day and night), were they at last to end by hesitation, or supposition, or doubt? Yet such was the mode which the Honourable Gentleman's Amendment went to adopt (*Hear, hear*). What did this Address do? Why, it merely went to shew what nobody wanted to know—that the King had the power of dismissing his Commander in Chief. If, indeed, the question was, which would be preferred, the Address of the Honourable Mover, or the Amendment of the Honourable Gentleman opposite (Mr. Bankes), he would vote for the Address, because he thought it went straight forward, without any ambiguous alternative. The two Gentlemen, however, professed a kind of agreement, and yet even in that they differed. What end was the House to expect to it? "Who can decide when doctors disagree?" He would vote for the Resolutions, because they stood as a foundation whereon to build an Address, and this should be the case where an Address of congratulation and condolence was to be presented (*a loud laugh*.) Gentlemen might laugh, and he knew well with what suspicion every thing which came from one of his country was received, but here he would contend he was right; the Address was one of congratulation that the Duke was not guilty of corruption, and of condolence, that any cause whatever should have given speciousness to such a charge—(*Hear! hear!*) He would vote for the Resolutions also, because the House might give its opinion on them *seriatim*—they might know what road they were taking, and select a proper carriage: surely, it would be very preposterous for a party who had agreed to go to Greenwich by water, to take a coach for their conveyance—(*a laugh!*) and yet such was the absurdity to which the Amendment reduced Members. It went to attach guilt, and yet could not tell why. The number of questions now before the House were simplified by the Resolutions, and so perplexed

perplexed and multifarious were the questions, that he would not be surprised if they confounded even the characteristic acuteness of the Learned Member who filled the Chair. The only question now was, whether they would vote for the Resolutions or the Address, and he would adopt the Resolutions, if it was only to avoid confusion; if they were to die, he, like *Ajax*, would exclaim, "let us die in the light." The adoption of the Address, instead of the Resolutions, would go to demolish all the land-marks by which their opinion was to be guided. Let the country look to their decision; he would not be ashamed or afraid that they should view him; they should see in him no ambiguity, no compromise; and when he returned to his constituents, he should not shrink from their criticism on his Parliamentary conduct. He would then vote on each of the Resolutions, one by one; first, was the Duke of York corrupt, or not? Next, did he connive, or not? Next, should he be dismissed; or not. (*Hear! hear! hear!*) Thus the country would have a clear list made out for them—the red and the black—the patriot and the courtier—liable to no obscurity, no misrepresentation. This was the plain and proper method, to stand in open sunshine before the country, and not cast a mist before the eyes of their constituents to delude them.

SIR FRANCIS BURDETT rose to explain. He felt disposed to gratify even the curiosity of the Honourable Member, however disorderly he might be. He could not help remarking that the Honourable Gentleman had put the question in so pointed a way, and with as much significance as if it were reasonable to suspect him of having recourse to the Treasury to pay this sum of four thousand pounds, instead of making so considerable a sacrifice of his private property in attempting to discover and detect public abuses. He was not certainly very anxious to defend himself from the charge of having offered such a sum of money for Mrs. Clarke's papers, as that money must have been his own property, and as the motive could only be to bring to light a public offender. If, however, the Honourable Gentleman was importunate on this subject, and if he was not satisfied with the evidence already before the House, he could assure him, in addition to that evidence, in the most solemn manner, that no such offer on his part to Mrs. Clarke had ever taken place, nor had any circumstance of that nature ever occurred.

Mr CROKER was convinced from the beginning that the Honourable Baronet had made no such offer, nor had he ever entertained for a moment any doubt on that subject. He had mentioned the circumstance only to shew how little reliance was to be placed on Mrs. Clarke's evidence, when she had made this assertion to Donovan, and had certainly expected that the Honourable Baronet would have noticed the circumstance in his speech of last night.

Mr.

Mr. H. MARTIN was of opinion, that if the truth were to be sacrificed to the pleasantries and witty sallies of the Honourable Member (Mr. Croker), there would be little left whereon to build a free, impartial, and serious discussion. The Honourable Gentleman had stated, in fact, a number of abstract positions which never had been and never could be recognized by that House. He did not conceive that a proceeding instituted before them in their Parliamentary capacity, could with any degree of correctness be assimilated to one in a criminal Court. On this, as well as on every such occasion, he wished that they should adhere to the rules of their ancestors. How could the Address or the Amendment of the Honourable Gentleman below him be described as a sentence of condemnation. It was the high privilege of that House to take cognizance at all times of the conduct of great public officers, and if any one doubted the fact, he would refer him to periods when the principles of the Constitution were at least as well understood as they were at this day. This was the case upon the celebrated examination relating to the Partition Treaty, when documents and evidence were heard at the Bar, and the House voted an Address to his Majesty to remove Lord Somers, and two other Lords, from his presence and councils. The House did what was their duty in censuring public functionaries, who had disgraced themselves. They went further, and voted an impeachment. (*Hear! hear! from the ministerial Benches*) A Learned Gentleman had stated, they might as well stab the Duke of York to the heart, as pass a vote to remove his Royal Highness from the command of the army. But what was there to distinguish the case of the Duke from that of any other person convicted of similar misconduct? Had Lord Somers no feelings upon that occasion? Was not that great man entitled to as much deference and indulgence as his Royal Highness? He recognized no distinction between the Duke of York and any other subject whose conduct might fall under their investigation. It was not only the right but the bounden duty of the House to act as they had done. They were not to sacrifice their privileges out of respect for this or that person. But it was said, if the Duke of York be guilty, why not impeach him at once? Where the punishment was commensurable to the offence (though he could not consider it in this instance as a punishment, but a precaution, he did not think it necessary to have recourse to the severe punishment.)

With respect to the inconsistencies imputed to Mrs. Clarke, in her evidence, he could discover no greater improbabilities in her statement, respecting the Duke of York, than what her letters proved. It was upon her testimony, corroborated by that of two other persons, that induced him to give the vote he should. These two persons were Miss Taylor and Mr. Dowler. The evidence of the former was so unimpeachable, that he should not take up the
time

time of the House in making any comments on it. The evidence of Dowler also appeared to him to be incontrovertible. It was objected to him that he had not spoke out fairly on the subject of his interviews with Mrs. Clarke; that he had concealed the fact of his having passed the night with her. But was the question ever asked him? and if it were not, was it to be expected that he would be so lost to all sense of decency, as to come to that Bar and make a voluntary avowal that he came there reeking from the arms of a harlot? But the case of this Gentleman was one of the strongest which had been brought forward against the Duke of York. It afforded inefragable proofs of the influence which Mrs. Clarke exercised over him. It proved that that influence not only extended to his particular patronage, but that it was strong enough to send him foraging to other offices. An endeavour was made to raise an alarm, lest that House should submit to the influence of a popular clamour. By whom was this alarm expressed? by those very servants of the Crown, who scarcely two years ago, not only threatened the parliament, within those walls, with what they called an appeal to the sense of the people; but afterwards ventured to carry that menace into effect. (*Loud cries of hear! hear! hear! hear!*). And at what moment did they now deprecate popular influence? not until they saw the effect of the course which was adopted upon their own recommendation; not till they found the current of the public mind setting against their object; a current set in motion by that publicity of the proceedings on this subject, which they professed it their strenuous desire to have disseminated in every part of the kingdom. Although anxious for the deliberate and unbiassed judgment of that House; he still would on all occasions be swayed by mind, and not by situation. In this country, he trusted the time would never arrive when these public feelings would be disregarded. On this occasion he felt himself bound to coincide with the opinion of the people, and therefore was determined, in the face of his Country and his God, to give his vote in favour of the original Address (*Hear! hear!*).

The SOLICITOR GENERAL in explanation stated, that he never did say that they might as well stab the Duke of York to the heart as remove him from the command of the army; his assertion was, that to fix upon him a charge of gross corruption, and upon such evidence, would be tantamount to stabbing him to the heart.

Mrs. ROSE said, he had heard the evidence given at the Bar discussed with so much ability, that he did not wish to occupy the time of the House by any additional comments upon it. He rose for the purpose of setting the last Speaker right, upon the precedents which he quoted from the period subsequent to the Revolution. With the events of that glorious æra he had the happiness of being well versed, and therefore he had to acquaint the Honourable and Learned Gentleman, that the conduct which he held out

out as an example, had originally been determined precedents in the reign of Charles the Second. The decision of the Commons of that day against Lord Somers, Halifax, and Oxford, for their conduct on the Partition Treaty, was taken up by the House of Lords, and voted by them as contrary to the usage of Parliament and law of the land. That House went farther, and addressed the Throne upon the impropriety of removing those Peers, according to the prayer of the Commons. With respect to Dowler's appointment he had consulted with the Executor of the late Mr. Pitt, with the view of ascertaining whether the recommendation of that person was entered in any of his papers. Had the Duke of York recommended him, the recommendation, he was sure, would have been entered, but no such documents was to be found.

Mr. M. SUTTON said, it had been asserted by an Honourable and Learned Gentleman, that there was no reason to suppose that any unusual popular clamour had been excited on the present occasion. Now he must say, that it did not require any man to be much in the world in order to hear a clamour, which discovered itself in various ways, even in every street, and had been extended with industry into the most distant corners of the country. This proceeded, in some degree, from the very publicity and openness of the enquiry which had taken place. He called upon the House therefore to come to a decided vote on the evidence before them, whether guilty or not guilty, instead of addressing his Majesty for the removal of his Royal Highness, and thus in fact disgracing him, without pronouncing a decided opinion on the evidence they had heard.

Of all the various parts of the evidence, the mode in which the Duke of York noticed, in his letter, the application made to Mrs. Clarke by Dr. O'Meara, he acknowledged, bore the strongest on his mind. He must confess there was a levity, an impropriety, in the answer of his Royal Highness which shocked him, when he considered that the application was made through a woman of such a description as Mrs. Clarke. However improper and indecent such a circumstance was, it did not go to attach the charge of criminal corruption. The Honourable Member then proceeded to comment on the Address originally proposed, as well as the amendment proposed on the resolutions, and contended that neither of them was becoming the House to assent to, on account of the undecided language which they held as to the guilt or innocence of his Royal Highness. An Honourable Baronet, Sir Francis Burdett, had last night regarded the evidence of Mrs. Clarke as sufficient for the conviction of his Royal Highness, and had insinuated that those who defended the character of his Royal Highness were chargeable with prejudice in his favour; but, he would ask, were there no men who entered that House with political prejudices, who came with minds prepared for finding out abuses in every department

ment of the State, who believed that political corruption had infected every thing, and therefore were ready to believe all such charges as the present, however slightly supported? Was it impossible that men in office could give a just and conscientious vote on a subject like the present? Was this alone to disqualify from giving a fair and conscientious vote on the subject? For his part he was not disposed to believe that those who had entered upon the honourable career of political service were so devoid of honour, as to be unfit to be trusted on a decision of this kind.

SIR F. BURDETT explained, and maintained that it had been unfairly imputed to him by the last Honourable Member, that he had thought the testimony of Mrs. Clarke alone sufficient to convict his Royal Highness. He had merely said that it was sufficient when corroborated by the other evidence.

MR. LONG entered into an explanation of Kennet's introduction to the Duke of York. It appeared that he was recommended by Sir H. Mann to Mr. Pitt. He had occasion to see the worthy baronet on the subject, and he never knew a more importunate claimant than he was in this man's favour. The Right Honourable Gentleman then noticed briefly the evidence. He thought the testimony of Mr. Dowler ought to be received with some degree of suspicion. It was not probable that he should have given Mrs. Clarke one thousand pounds for the place of Commissary, which did not produce him more than two hundred and seventy pounds a year, and liable to be reduced to five shillings *per diem*. With respect to the case of Samuel Carter, that had been made the subject of serious investigation, if the public prints were to be made the vehicles for sowing the seeds of discontent in the army, never was there a moment in which the mischievous licentiousness of the press was more alarming. He then defended the evidence of Colonel Gordon from the observations made by the Noble Lord and the Honourable Baronet. Upon a review of the whole of the evidence, he thought it was impossible but that the House must conclude that if there were any thing imputable to the Royal Duke not strictly correct, at least the good preponderated over the bad. The House must have heard in the discussion, that the feeling of the country is against the Royal Duke. Gentlemen must not suffer such declamations to influence their decision, they must not be influenced by such clamours.—(*Hear! hear!*) He knew that Princes often gave themselves greater latitude in their conduct than other men, but at the same time he knew there were many circumstances attached to the condition of Princes, which afforded a palliation inapplicable to the errors of other men. When he considered that they were debarr'd from an extensive commerce with mankind—when he considered that they prohibited from an intercourse with life in its most general and useful sense, and were by that means excluded from the practical lessons that result from
intercourse

intercourse and observation; he saw an extenuation in their favour, which did not apply to the faults of other men, whose fate was more obscure, but whose fortune was perhaps more favourable. The House, he conceived, would not be doing strict justice, if they did not come to a decision—aye or no—guilty or not guilty.

Mr. COKE (Member for Norfolk) begged to declare it as his opinion, that the testimony of Mrs. Clarke, when confirmed by the other corroborating circumstances which had come out, was so strong, as not to leave any doubt on his mind as to the guilt of the Duke of York. It was his firm and conscientious belief, that his Royal Highness had been corrupt in the extreme as to the appointments which were made the subject of charge. Witnesses might forswear themselves, but in circumstantial evidence could not lie; and it was on this last kind of evidence that the laws had sent numbers to the gallows at different times. It was his firm opinion that the Duke of York had connived at the corrupt practices of Mrs. Clarke. If any doubts had remained on his mind, they were in fact removed by the very able speech, on a former night, of his Honourable Friend Mr. Whitbread. (*Order! order!*) He begged pardon of the House for being disorderly in alluding to any Member by name, which was the more pardonable in him, as his attendance had not been very constant of late, but he must repeat again, that that speech had entirely convinced him, and removed every doubt on the subject. He rose now to deliver his sentiments, as an independant man, and as an enemy to that corruption from which the Country had most to fear. The Honourable Gentleman who brought forward the charges deserved the thanks of the Country; he returned him his sincere thanks on the manliness and independence of his conduct; for if the Country was to be saved at all, it was only by destroying those corrupt practices, which, if permitted, would produce its destruction.

Mr. WINDHAM expressed his reluctance to have risen at so late an hour, but he had delayed giving his opinion, wishing to profit by the opinions of other Gentlemen. The House however had now come to that period in which the question was on the mode of proceeding. The Right Honourable Gentleman then examined into the situation in which the House stood upon the Charges, or rather statements of the abuses as first made. The Inquiry into those abuses had been gone into, a most careful and laborious examination of the evidence had been taken at the bar, and upon that evidence arose the general question, as to the mode of proceeding which it was necessary to adopt. Four modes had been presented to the House, in any of which he was ready to concur in point of form; but he felt the greatest possible objection to the use which it was intended to be made of them. With respect to the doctrine which had been introduced in the examination of these modes, he

could

could not see to what extent it was meant to be carried. In his opinion whatever general doctrine might have been assiduously held forth at this time, if that general doctrine directed a subject of a judicial nature to be divided into parts, that doctrine was wrong, because such a subject ought to be a general question. The preponderance of guilt or of innocence, ought not in the present instance to be a subject of consideration; but whether, upon all the matter now before the House, his Royal Highness can be freed from criminality? For no doubt could be entertained, if any man were to be tried before a judge, it would first be a question for the decision of a Grand Jury, whether there was sufficient testimony to produce a further procedure; and if not, the person would be immediately set at liberty from the peril of his situation. It might happen, however, that the evidence adduced might be of a stronger nature, and thereby the prisoner would be under the necessity of submitting to the sentence of the laws of his country. Still, he might, after a trial of considerable testimony, and great impartiality, be acquitted; yet there was a material distinction between the degrees of criminality in the former and the latter case.

Some gentlemen entertained an opinion relative to the present investigation of his Royal Highness's conduct; that, independent of any positive testimony, the internal credibility of the evidence was so strong, there needed no assistance from any additional proof. The admissibility of an accomplice's evidence had fallen under the observation of an honourable and learned gentleman, (sir Samuel Romilly), who to his surprise, had represented a case where a robbery had been committed by three persons, and although there was no evidence directly affecting the persons who were charged with this particular offence, excepting that of one the accomplices, yet by his testimony the others were convicted, and eventually suffered the punishment of death. If such were the law of the land, it did not meet with his approbation; and former instances had incurred his displeasure, where men's lives had been taken away by the evidence of the most worthless and vilest of society, and whose testimony was liable to every suspicion, as being devoid of truth. An accomplice, in his opinion, was a peculiar kind of witness, whose evidence might be received or not, according to circumstances. A discretion in these cases was always to be exercised, and ought to be proportionably varied, according to the principle of a thermometer.

He concurred with an honourable and learned gentleman, who had spoken in a previous part of the discussion, that a great distinction ought to be taken with regard to evidence delivered on oath, and that which is not delivered with that form of solemnity. If it were to be laid down as an hypothesis, that witnesses examined at the bar of the House of Commons were to be considered in the

same point of view as if they gave their testimony on oath, then he should think the House did very wrong in permitting those questions to be put, which had been asked of witnesses during the present investigation. Although he felt averse to state any of the evidence in detail, after so many had applied themselves to that part of the present case, yet he trusted the House would excuse him in making a few observations on the character of Mrs. Clarke. The testimony did not meet with his applause, as it had met with that of many others, there was a peitness and flippancy in it, and her character was altogether such as to denote her complete want of shame. Dexterity was an admirable quality, but in a woman it was a dangerous weapon; and he had been much displeased with those qualities of sauciness and flippancy, which others had dignified by the name of wit. Though he agreed with his learned friend that the lady was capable of telling a story, she had not in fact a story to tell. She went on in a smooth running-hand sort of style; as a modern poet expressed himself, she "poured out in negligent profusion." The House, therefore, in taking her evidence, must be on its guard against its facility. The right honourable gentleman then compared the evidence of Miss Taylor with that of the other witnesses, and drew from thence a conclusion favourable to her; for he considered her evidence as bad, and her character good; while on the contrary, the character of Mrs. Clarke was bad, and her evidence good.

As to connivance, it was splitting a hair to draw a distinction between connivance and criminal connivance, and he believed it frequently occurred that men were ignorant of those things that were cognisant to all the world besides. Upon the whole, he was prepared to say, that neither participation, corruption, or connivance, had been proved against his Royal Highness. Still he would admit there were great improprieties and irregularities in the conduct of the Duke; and as Cæsar's wife should not be suspected, so he would say the Commander in Chief should not be suspected. At the same time, if the House came to a resolution on that head, that mode, which was the least harsh and least painful to the feelings of his Royal Highness appeared to him to be the best. He could bear testimony of the noble Duke's great ability in office, his extreme diligence, and the highly beneficial regulations he had introduced into the army; yet he could wish, in respect to the public voice, that his Royal Highness would prevent the necessity of that House carrying an Address to the foot of the Throne. He did not mean by that to refer to the popular outcry, as it was better the House of Commons should be abolished than its independence be invaded by public clamour, or that the multitude should have rule. The honourable gentleman then alluded to the letters Colonel Wardle was supposed to have taken from Mrs. Clarke against her will, and observed, that if it was only a sort of amorous rape, or love struggle, then it was unworthy

unworthy of attention ; but if the honourable gentleman did actually take them against her will, then for his own part, he would rather have been involved in the charges themselves, than have been the perpetrator of such an act. . (*A loud cry of Hear ! from the Ministerial side of the House.*) The right honourable gentleman then touched upon the case of Samuel Carter, who, he said, had been treated harshly, and appeared unworthy of consideration, even by those who lamented the severity Miss Taylor had experienced. He had been stiled a foot-boy—better that than a footman ; for the stigma which attached to his youth would grow off as he grew older, and the mark of servitude would wear insensibly out of his mouth. (*A laugh.*) The little mercy and consideration Miss Taylor had met with, was alone to be justified by the exigency of circumstances. Was he not as much wounded ? Was it necessary he should be so wounded ? He thought not, but considered him trodden down like a weed. He felt upon the whole, though not wholly coinciding with his sentiments, that he should act most consistently by voting for the amendment of Mr. Banks.

Lord CASTLEREAGH rose, amidst the cries of *Question ! Question !* His lordship said that he would not trespass much in length on the House, but felt it to be his paramount duty to state the grounds on which he should give his vote ; a statement which he conceived more necessary, as the right honourable gentleman who had just sat down, had declared his intention of giving his vote in a way which totally contradicted the course of reasoning that he had pursued in his speech. His lordship was adverse to any proceeding by address at all. He would therefore oppose both the Addresses proposed, but if he were called upon to say to which he had the least objection, he should certainly name that submitted to the House by the honourable gentleman, in whom the charges originated. But he repeated that to both he was decidedly adverse. It was certainly perfectly competent to the House to address the Crown to dismiss a public servant, without alledging any cause for such an Address, but merely the absence of confidence. But in such a case as the present, where offences cognizable by the law were alledged, he could not conceive any thing more painful than the feelings which his Majesty would experience, to find his son charged with the foul crime of connivance in corrupt practices, on the testimony of witnesses received without the solemnity of an oath, and without that fair trial to which every British subject was entitled.

The noble lord then entered into a review of the evidence, and considered that Mrs. Clarke was evidently actuated by the most decided resentment and the most vindictive feelings. This appeared to him evident not only from the letters she wrote to Mr. Adair, but from the testimony of Colonel McMahon, with respect to the letter she had written to the Prince of Wales ; and the conversations

she had held with him. He was ready to admit, that he believed Mrs. Clarke had spoken a great deal of truth *Hear! hear!* and yet he would not believe her in that which rested almost entirely upon her assertion, the knowledge and privity of the Duke to her transactions. She had narrated her own transactions with considerable accuracy, and in that narration, which was also confirmed by documents, and other evidence, he thought she was worthy of belief, because she had no interest in speaking falsely. But when she came to assert that the Duke knew of her corrupt transactions, he would not believe her, because that was a thing easy of invention, which was incapable of direct contradiction, and to which she might well be supposed to be stimulated by her resentment. If she could have established the corruption of his Royal Highness in any one instance, he should then have believed she spoke the truth when she mentioned other instances. She had, however, proved no such thing, and no man's life or character would be safe if it depended on such testimony. It was very easy to conceive that a combination might have existed between Mrs. Clarke, Mrs. Favory (her half-sister and housekeeper) Miss Taylor, her sister-in-law, and Mr. Dowler her favourite lover. It would be recollected that so far from being the unwilling witness she had represented herself, she had written letters to Donovan and to Captain Sandon, to induce them to join in her plan; and that, on the very day that Mr. Dowler arrived from Spain, she went to his hotel, and passed the night with him, for no other purpose that could be conceived (*a loud and general laugh*) but to extract from him what evidence he would be able to give, and to arrange their plans in concert. It appeared to him the most incredible thing on earth, that if the Duke had really been conscious of any corrupt practices, such as had been imputed to him, that he should part from this woman in the manner he did, without making an arrangement to induce her not to mention those transactions. It was incredible that he should have preferred an investigation like the present, attended with so many painful exposures, to a compromise with this woman, if he had not been perfectly conscious of innocence.

As to the feeling of the army with respect to the Duke of York he was convinced that no man ever enjoyed so completely their affections, and no man had ever done so much good to the British army. Under his administration every attention had been paid to the comforts of the soldier, and the character of the army had made rapid strides to perfection, and he should implore the House to consider rather the military charges against him, than the accusation of immorality. If even under the corrupt influence of Mrs. Clarke, he had never given any appointments that were not justified on strict military grounds, it must be supposed his future administration would be still more free from blame, now he had extricated himself from that influence and connection, and received a very
severe

severe lesson, from the evils it had occasioned, and the painful exposures which had been made.

There was another point of view in which the subject was of the utmost importance. His Royal Highness stood very near in the succession to the Throne. If he should now be branded as a man unfit to be trusted in the service of his country, the same reason should go to induce Parliament to exercise their power in cutting off his succession; for how could a man, stained with infamy and corruption, command, or deserve the respect and affections of the people of this country? On that account he deprecated any condemnation by the House of Commons, but demanded, as he had undoubtedly the right to do, a trial by his Peers, in case the House should think there was a sufficient case to put him on his trial. He objected then to both those Addresses, as going to brand the Duke of York with infamy, without allowing him the benefit of a trial by his Peers, under the usual sanction of the witnesses being sworn. It appeared to him that no case had been made out, which would justify such a proceeding in the House, and therefore he should vote for the resolutions as moved by his right honourable friend (the Chancellor of the Exchequer).

Mr. CALCRAFT rose and said, there was no man in existence felt more pain than he did, in being obliged to give a vote that tended to hurt the feelings of any part of the royal family. He certainly felt very much for the illustrious personage, for whom he held the highest respect and duty; but he could not forget that he had a paramount duty to fulfil to the House and the country; and he would, however, disagreeable it might be to him, endeavour to discharge that duty, so as to acquit himself to his own conscience and to the country. The House were now on the point of coming to a decision on a subject of the greatest magnitude and importance that had ever been submitted to their consideration, and they must decide on a fair, cool, and dispassionate view of the evidence, and give their verdict accordingly. The royal person who was the subject of the inquiry then before them had unquestionably had the advantage of all the most eminent legal abilities which that House contained within it, aided also by his majesty's ministers, who, whatever he might in other respects think of them, had certainly defended the Duke of York in so zealous and able a manner as reflected the greatest credit on their talents, and on their attention to the honour and character of the Commander in Chief.

He could not help observing the mistatements of the noble lord who spoke last, as to evidence. He was confident he could not have listened to it, or read it, with attention, or he would not have so much misconceived it, as to say that Dowler and Sandon's evidence was concerted by Mrs. Clarke. Would he contend, that she sent to Portugal for Dowler, and to Spain for Sandon? The

noble lord talked of a conspiracy, he wished him to shew where it existed. Were the letters of the Duke of York to Mrs. Clarke a conspiracy? Was the appointment of Dowler as a commissary, a conspiracy? Was the letter relating to Tonyn a conspiracy? If not, the ground for supposing it, and the result originating from it, only commenced in the brain of the noble lord, ascended in the air, and, as usual with all inflammatory matter, evaporated. He was surprized the noble lord should say Miss Taylor's evidence ought not to be credited. He had the authority of a learned judge, (the Master of the Rolls) to state it ought to be credited; and if he was to put the two opinions at issue, and leave it to the sense of the House, he had not a doubt how they would decide. The noble lord talked of Mrs. Clarke not having any knowledge of the Commander in Chief's pecuniary circumstances, how ridiculous the argument was, when it was proved in evidence, that she attempted to negotiate three loans for him, could she have done this without a knowledge of his pecuniary difficulties? and if she did, was it not natural that she made him acquainted with her distresses of the same nature.

He next took notice of the Duke of York's letter to the House, through the medium of the speaker, in which his Royal Highness had shewn that he was very willing to accept their acquittance, but that he strongly deprecated their condemnation. He thought that letter went in a great degree to question and deny the authority of the House, and as such entrench on their privileges. He felt the strongest objections in his own mind to it when he first heard it read, and was sorry he had not then expressed the sentiments of his mind; but seeing so many others of far greater Parliamentary knowledge and experience than he possessed, pass by it without notice, he had been awed into silence, and so had assented to its being permitted to lie on the table. He would not wish to trespass on the time of the House, and should, therefore, conclude by saying, that he had endeavoured to make up his mind to vote in favour of the address of the honourable gentleman on the floor (Mr. Banks), but he thought the circumstances against the Duke of York so strong, that he would rather choose to adopt some resolution that might be better and more closely adapted to meet the subject on which the House was to come to a decision. If no such resolution should be hereafter proposed, he should prefer the original address.

Earl TEMPLE feeling it impossible to give a silent vote, claimed the privilege of delivering his sentiments; but unwilling to detain the House, moved, that the debate be further adjourned.

Mr. PONSONBY put in a similar claim, after which the House at Half past Three o'Clock adjourned.

WEDNESDAY

WEDNESDAY, MARCH 15.

THE House having resumed the adjourned debate, Lord MILTON felt it his duty to speak upon the opinion laid down by a learned judge, at the commencement of the present proceedings; he wished to point out its absurdity; that learned judge had said, if you could not believe one part of the testimony of a witness, you must reject the whole; if such an absurd proposition as this were allowed, it would sweep away almost the whole of the evidence given upon both sides of the question. He trusted every person in that House would form their opinion on the evidence before them; the result of which must be, he conceived, that the Duke of York could not retain his command. He could not go to the length of a noble lord near him, in saying, that he believed every word which Mrs. Clarke had said; but, at the same time, he could not agree that every part of her testimony was false. There was a slippancy and levity which took away great part of the weight otherwise due to her testimony; he was, therefore, inclined to reject every part of her private communications with the Duke of York, so far as they were uncorroborated by other evidence; but still there was a great deal of her evidence in which she was supported by the testimony of others. He called the attention of the House to Mr. Dowler, whose evidence had last night been attempted to be shaken, but whose testimony was confirmed by an honourable member. Every circumstance relative to his appointment was confirmed by the corroborating evidence of Mrs. Clarke, Mr. Dowler, and the right honourable gentleman opposite, Mr. Long. Mrs. Clarke and Mr. Dowler had been called conspirators, who held nocturnal meetings to forward their designs; but could it for a moment be supposed that the right honourable gentleman attended these meetings, and aided their conspiracies? No such idea could be entertained.

The only case which attached direct corruption to his Royal Highness was that of Kennet. Here it was proved that a person of infamous character, who had been some time a bankrupt, proposed a loan to the Duke of York, and had promised his Royal Highness should be accommodated to any extent, provided he procured him a place. Without wishing to attach the smallest disgrace to Colonel Taylor, it might be fairly concluded, that the letter addressed to him had been laid before the Duke of York. I would wish (said the noble lord) for a moment to contrast the conduct of the Duke of York with that of the Duke of Portland on a recent similar occasion. What did the Duke of Portland do? He spurned the infamous wretch from the door, and ordered that he should never be admitted again. If the conduct of the Duke of York in the case of Kennet be not corrupt, what is corruption?—*(Hear! hear!)*—There is indeed no direct proof of corrupt practices

practices, but there is a full and clear proof of a corrupt mind!—*(Loud cries of hear from almost every part of the House.)*—His lordship then remarked upon the several cases which he thought made out in evidence, and particularly animadverted upon the letter of service granted to Colonel French and Captain Sandon, in that letter of service, he saw, that if four thousand men were not raised within nine months, the levy was to cease; that it was not stopped at the expiration of that time, though not above two hundred men were raised; that these men, who were nothing better than crimps, were even permitted to go on for thirteen months, within which time they only raised two hundred and nineteen men—he must say, that if ever there was a job, that was one. Through, whose influence, too, was this done? To his mind through that of Mrs. Clarke. Miss Taylor, too, corroborated this evidence; and, having no other direct proof, he was entitled to make use of Kennet's case, for the purpose of adding weight to it.

The noble lord then pointed out his objections to the original address, and preferred that of Mr. Bankes. He next remarked upon the course of proceeding which had been adopted by the House, and said it would have been more satisfactory had the whole been left to a Committee, where witnesses would have been examined upon oath. At present, the great difficulty was in distinguishing between what was credible, and what incredible; what probable, and what improbable. There would then not have been those difficulties which he now felt; he would not then have had these strong suspicions on his mind. Although he did not intend to make any fresh amendment on the question before the House, still he thought a better mode would have been, to have laid the whole evidence before the king, which they could have done accompanied with strong remarks; it would then have rested with his majesty what line should have been pursued; what the House was then about to do, amounted nearly to the same thing, only with less delicacy, as it precluded his majesty from adopting what might be most suited to his own feelings. In the consideration of the present question, the noble lord hoped the House would not be deterred either by threats from without doors, to make them do much, or by threats from within, to make them do little; if they were convinced, as he thought all must be, that the Duke of York was not fit to retain his office, neither fear or favour should deter them from declaring their sentiments. He would not be deterred, because he was the son of a king; he had always thought it objectionable, that sons of the king should hold places of responsibility; and if ever he felt forcibly the justness of the objection, he never did so more than then.—The House felt a difficulty arising from delicacy and respect, to which it was impossible to be insensible; but that was not to deter them. They were not going to address

address the king to remove the Duke of York, but to remove the Commander in Chief—(*Hear! hear!*) They must entirely divest themselves of the idea of his being a Prince.

A noble lord opposite had said, “if we remove the present Commander in Chief, where shall we find another?” He must confess the difficulty of finding another did not appear so great to him as it had done to that noble lord. The Duke of York had been represented as a great general, they were not at present deciding whether he was a great general, but whether he was a fit person to be at the head of the army. The Duke of Marlborough was a great General, greater, he would venture to say, than ever the Duke of York had been or would be, yet he was removed from the head of the army—(*Hear! hear!*)—The Royal Duke had certainly formed connexions disgraceful to himself and disgraceful to the nation; he had openly broken and contemned the Seventh commandment; but it was said he is reformed; he has determined to lead a new life, and to cast off the follies of youth. The Royal Duke is already arrived at his forty-fifth year, an age when our habits are formed, and if we have acquired ill ones, it is no easy task to break through them. Is it probable that the Duke of York, who has been living in an open course of adultery, first with one woman, and then with a second, then with a third, and fourth, was it probable that he would reform in an instant, because the noble lord, or right honourable gentleman, has told him he has done wrong? I have heard (observed the noble lord) that as we grow older, we grow wiser: I am also of opinion that a person who is prone to foolish or vicious habits, the older he grows the more he is attached to them.—(*Hear! hear! and laughter*)

He hoped the right honourable gentleman who had said that infamy much attach to the accuser or the accused, would come forward, and state to whom it is now attached; he thought he would find a difficulty to fix it to the accuser; and if he fixed it upon the accused, he fancied he would find it difficult to remain where he was. (*Hear! hear!*). He thought another honourable gentleman had placed the Duke of York and the House rather in an awkward predicament, in bringing down a second accusation on his head, by laying that foolish letter before the House. Here the Duke is made to declare his innocence, upon the word and honour of a Prince, so that, if found guilty of corruption, he must also be found guilty of falsehood. (*Hear! hear!*) He did not think the honourable gentlemen felt himself awkwardly situated; as he thought his Royal Highness innocent; but it was not so with him and others, who must now find him guilty of both.

Lord STANLEY did not think the House ought only to receive such evidence as would be deemed legal in a court of justice, but they ought to give their opinion on the evidence which had been laid before them. If, at the commencement of the proceedings, his
mind

mind was wholly unbiassed against the honourable gentleman who brought forward the charges; his opinions were now changed; as, if the Duke had not been guilty, he thought every one must admit that he had allowed corruption to exist. The testimony of Mrs. Clarke, though not unexceptionable, was not wholly unworthy of credit, and that of Miss Taylor deserved implicit belief. It had been said, that if the Duke had been guilty he must have complied with her terms, but those who made that assertion, probably knew less of nature than the immortal Shakespeare, and he, when delineating the character of a great man, menaced by a woman with the exposure of his private enormities, makes him say—

“ Who will believe thee Isabel?
My unsoil'd name, th' austereness of my life,
My voice against you, and my place i' th' State,
Will to your accusation overweigh,
That you shall stifle in your own report,
And smell of calumny ”

And such might have been the ideas of the Duke of York. The noble lord then offered a few observations on Kennet's case; and proceeded to state, that Carter had lived with Mrs. Clarke; not only in Gloucester-place, but in Tavistock-place also; and though the Duke might know he was the person for whom Captain Sutton had made application some years before, he did not doubt but his appointment was gained through her influence. He then spoke of Clavering's case, and that of Dowler, observing of the latter, that a worthy alderman had stated; that his appointment had been procured by the late Sir Brooke Watson. But how came the worthy alderman to ask the question? He never would have asked such a one, had not Mrs. Clarke's sale of promotions been so notorious. Though it appeared the interest of Sir Brooke Watson had gained three persons appointments, it did not follow that Mr. Dowler's must be one of them; though it was natural enough for him to say it was, when interrogated by the worthy alderman. He wished as much as any man not to attend to the clamour out of doors. They were to discharge their duty independent of all other considerations; but I cannot help remarking, said his lordship, that this caution comes with a very bad grace from the right honourable gentleman—*(Hear! hear!)*—who owes the seat he now holds—who owes his very political existence to that public clamour which he denies. *(Hear! hear! from the Opposition benches.)*—The rank of his Royal Highness he contended, had nothing to do with his question. He was a public servant of the crown, and as such was to be tried by them. It was not the Duke of York, but the Commander in Chief, that they were in this case to consider. He did not wish to occupy longer the attention of the House, *(Hear! hear!)* as there
was

was now a very general wish to come, as soon as possible to a determination, and as many country gentlemen might yet wish to speak their mind previously to coming to a vote. The noble lord concluded by stating, that the original motion met his sentiments in its utmost extent, and it was his wish to see it adopted by the House; but rather than have both addresses negatived, he would prefer voting certainly for the amendment.

Mr. LEXCESTER stated, that in his view the House was bound by a regard to its own dignity and character to decide upon resolutions plain, intelligible, and decided. It was their duty to prevent any ambiguity, from which those who came after them would feel unable to assume, whether such resolutions might not be carried by one majority upon one ground, and by another majority on grounds very different. This objection he imputed both to the original address, and to the amendment of the right honourable gentleman on the floor (Mr. Banks), to the latter most particularly. In his view of the course recommended by that gentleman it was this, that the House should first acquit his Royal Highness of any corrupt participation, but that it should subsequently decide upon an address to the throne, which imputed to the Duke of York the strongest suspicion of being aware of such discreditable transactions. Now if it could be contended, that the evidence made out the charge of suspicion in his Royal Highness, he could not see how the House could support the first resolution of the right honourable gentleman, but if the House agreed, as he most sincerely did feel that there existed no grounds for the charge of criminal participation, he could not reconcile to himself by what means those who agreed in that resolution, could afterwards vote for an address of removal, founded as it was upon an alledged suspicion and knowledge of what was going forward, which, if true, must amount to participation. The learned gentleman then proceeded to discuss the various details of evidence, and (*amidst loud cries of question, question*), concluded with an expression of his determination to vote for the amendment of the Chancellor of the Exchequer.

Sir THOMAS TURTON (*amid loud cries of question, question*), claimed the indulgence of the House, while he submitted the observations that occurred to him on the subject, assuring them he would detain them a very short time. The reason he had not presented himself to their attention earlier in the debate, was, because he had been waiting to see whether any of those gentlemen, to whose knowledge and experience he looked up, would take the same view he had of the course that House ought to take on the occasion. He had always imagined that the forms of the House should be analogous to the rules of universal justice, and upon this principle, when he looked at the evidence that had been adduced at their Bar, he was astonished at any one asserting, that that House possessed any right whatever of passing sentence, whether favourably

ably or otherwise. When he recollected the language of the learned Blackstone, he was sure they ought to pause, before they proceeded to take such a step. That great lawyer, speaking of public offenders, whom it was necessary to bring to justice, says "the Commons of England cannot try; because, representing the people at large, they are the party injured; they must bring him before the tribunal of the lords." He observed on the custom of the Roman and Grecian laws in such cases, that it was not usual to convict, except on the previous testimony of persons upon oath. If Cato had been exempt from such a form, it was because his word alone was equivalent in the estimation of his countrymen to an oath.

It was said, they were only delivering an opinion, which would produce the effect of removing his Royal Highness from the chief command; but was not this an injury of the greatest magnitude, as was the case of the Duke of Marlborough? He had likewise heard quoted the case of lord Somers and the other lords; but their case differed essentially from the present, in this, that they were heard in their defence. If therefore they were to adopt the Address, they would take from the Duke of York that which the meanest subject possessed, even the lamp-lighter at their door; the right of being heard before he was judged.

He would not deny but that the letter of that illustrious personage had filled his mind with considerable apprehensions; still he could not conceal from himself that it contained in the desire it expressed a good deal of British feeling and British spirit. And when it expressed such a desire, and rested upon such claims to justice, he could not but view the amendment proposed by the right honourable gentleman (Mr. Banks) as a smooth expedient, equally hostile to the illustrious personage as the original Address, only that it was deprived of the rough bark. The handle was of gold, the venom of the point was by no means taken away. With respect to the merits of the question itself, he concurred with the principle laid down by the learned judge, who might be said to have opened the debate, and by that he would try it—that it was the accomplice laid the foundation of the charge, but that it was to be supported by other testimony. He ~~had~~ ^{was} tired by the repetition of Mrs. Clarke's evidence, and she ~~fact~~ ^{fact} was but the foundation; he could not but remark, that though ~~he~~ ^{other} witnesses who were to raise the superstructure were abused by the defenders of the Duke, yet they did not scruple to use them as perfectly credible when they found them to answer their purpose. How then did the evidence stand? The case of Captain Tonyn be considered as much as the weakest in point of evidence; but when they came to the circumstance of the note, they were ~~thrown~~ ^{thrown} on their backs. It was even admitted by the right honourable gentleman, who had first brought it to light, that, if it was a forgery,

no

no belief was to be given to the witness; but if it were true, the Duke was acquainted with the corruption. In Turner's case, a letter was written by a woman, complaining not of ill usage, but that he had behaved unkindly; but did they recollect, that it was an application to go out of the army, not into it? Suppose that during the time of the stoppage he had died, would any one tolerate a conduct so despotic? He had great respect for the purity of the army, but if all who were objectionable were to be prevented quitting it, he could not but consider it as rather an odd mode of preserving that purity. The case of major French had been proved by Mrs. Clarke and captain Sandon. They, to be sure, were accomplices, but it was also proved by Miss Taylor, to whose testimony he professed to give entire credit. He also examined the written documents, by which he contended, the most flagrant abuse of the levy was clear; and that the Duke, instead of a gentle reprimand, should have instantly recalled him, and put him on his trial.

A learned gentleman had said, that when the investigation began, he had felt his prejudices rather against the Duke; he could say, his had been in his favour, and he had examined the witnesses, rather to see if his innocence could be not made out; and a more fair and patient investigation had never taken place. The learned gentleman endeavoured to vindicate the lawyers against the general aspersions thrown out in the course of the debate, as he believed the gentlemen of that profession much more fond to defend than to accuse, and this disposition was not influenced by rank or situation in life. From the manner in which this discussion had gone on, from the ample and candid examination of evidence which preceded it, he deduced a consolatory circumstance, that whatever the decision of the House might be, which he hoped would be in concurrence, not with popular clamour, but popular feeling, the country would do justice to its representatives. It had been said, that the eyes of the people were turned upon them upon this occasion. Such he thought to be always the case; but he cared not for himself, that the eyes of Argus were upon every part of his conduct. He trusted that they should continue to satisfy his constituents, and he would declare that he could not, consistently with his sense of honour and probity, vote for the honourable gentleman's (Mr. Banks) address, which insinuated much, but charged nothing—not for the original address, which required too much. Agreeing therefore with neither, he would reserve himself for the vote upon the Chancellor of the Exchequer's Resolution, upon which he should propose an Amendment, containing a distinct charge, to form the ground of an ulterior proceeding. This Amendment, he said, would be to the following effect:—

“That after the fullest investigation of the evidence produced before them, they were of opinion there were grounds of charging his Royal Highness with a knowledge of the corrupt practices heard at their bar.”

Mr. RYDER commented upon the evidence, and the charges generally, and maintained, that where the witnesses were contradicted in their evidence of the collateral circumstances, no attention ought to be given to their statement of facts, which no other witness could, by possibility, contradict. No man's life could be secure against perjury, if the utmost latitude was not allowed in cross-examining the person who preferred any accusation, and afterwards determining the degree of credit which was due to his account of such facts as he alone could have access to know, by the accuracy with which he could relate the collateral circumstances. If a witness was detected in telling one falsehood, how were people to know when he spoke the truth? The honourable member, after going over all the cases upon which evidence was given, and contending that nothing had appeared which proved any criminality in the Duke of York, took that opportunity of stating some part of his Royal Highness's character, which had not been already stated, and which it was his peculiar duty to know in his office of judge advocate. He had always witnessed the strongest anxiety in his Royal Highness to promote and maintain the most strict and impartial administration of justice throughout the whole army, and to promote their honour and discipline. His predecessor in office had made the same observation to him on retiring. His Royal Highness had also materially provided for the future augmentation of the army, by the establishment of the military schools at Marlow, Wycombe, and Chelsea.

Earl TEMPLE addressed the House to the following purport:—
 " I rise, Sir, for the purpose of delivering my sentiments upon the question before the House; because I think, Sir, whatever may be the claim of the honourable gentleman near me (Mr. Wilberforce) I have at least an equal claim to attention upon such an important subject. The eyes of this country are fixed upon us; and, Sir, I do not hesitate to declare the fate of the country hangs upon our decision. We are placed in a most remarkable situation; because, as former events have quickly passed before our view, our attachment has become stronger to the reigning family of the kingdom, and is daily increasing, when we reflect upon the virtues of that person who now enjoys the dignity of the Crown. Due consideration cannot be dispensed with on the present most important of all other questions, where the character of the son of the King is brought before our judicial determination. Rather, Sir, than this event should have come to pass, I would have shed my blood, I would have shed it drop by drop, sooner than the evidence now lying on your Table should have existed, and afterwards have been produced on this most unfortunate occasion.

A noble lord (Castlereagh) has thought it his duty to comment upon the proceedings of the House of Commons; he has said we
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are trying the Duke of York in his absence; we are trying him contrary to the first right, the indispensable privilege of even the meanest subject within the realm. But, Sir, if this objection deserve our consideration, if it were advisable or proper it should have been made in opposition to the mode which has already been adopted, it ought to have been suggested, and strongly supported, in the infant stage of the present proceeding. His absence on the present occasion may be a matter of complaint, and if an inconvenience result, of no inferior magnitude, it might have been prevented long before the present period.

Prejudices of the public mind have been complained of, and so far I am ready to admit very weighty and grave prejudices have been entertained respecting those benefits which have been thus improperly conferred by his Royal Highness the Duke of York. If prejudices different from those which I have now adverted to have affected the public disposition, they have arisen from the publicity which unavoidably attaches to this mode of inquiry.

I do think it necessary we should come to a specific determination upon the guilt or innocence of his Royal Highness. But at the same time I do not mean to say we ought to come to such a determination respecting corruption, for our duty compels us to a decision of merely his general conduct. And after all which has been alledged on this material question, I could myself have no hesitation in declaring my opinion on the corruption and connivance of the Duke of York. Many difficulties have been started, and many objections have been made, relative to the mode of proposing an Address; but still when forms should have been excluded from our present consideration, even the amendment of the Chancellor of the Exchequer must, after all, be put in the shape of an address, and in that manner humbly presented at the foot of the Throne. I do not pledge myself to this or that mode in particular, and I will further venture to state, that as to corruption or connivance, I agree with the honourable gentleman opposite, that the evidence was principally supported by Mrs. Clarke, who came to the House, self-confuted and blasted in her evidence. (*Hear! Hear!*) With respect to Miss Taylor's evidence, I have no reluctance in declaring I think it correct, but it does not convict the Duke of foul corruption; yet, though the evidence does not go to such a length, it certainly shews his Royal Highness, contrary to every correct sense of propriety and decorum, did commit to such a woman various transactions of great importance. After all which has been observed, in regard to the expences of Gloucester-place, I must confess I had rather see the Duke pronounced guilty of great extravagance, for it would be more congenial to my mind, than if he were to be pronounced guilty of corruption. In the mean time, Sir, on this subject I am very ready to grant it would be proper if the Duke of York paid more attention to his own concerns. I am

determined to stand boldly forward, and express distinctly my sentiments on this occasion. I do acquit his Royal Highness of all corruption and connivance in these transactions, but I find him guilty of having permitted this woman to interfere with his disposition of military preferment. Considerable attention is due to the case of Kennet, and to that of Clavering. The Duke of York's own hand is produced; he desires Mrs. Clarke to tell Clavering the second regiments were not to be raised, therefore it was useless for her to interfere. And what is the natural inference to be drawn from such an expression? Why, if the second regiments were to be raised, she might in that case have interfered.

I cannot agree with the right honourable gentleman (Mr. Windham) who spoke last night, and who seems uncommonly fastidious in forming his opinion; nor would I with him split a hair on this important question. I would however most earnestly recommend his Royal Highness to resign the command of our army. The time, Sir, may come, probably it is fast approaching, when we shall be driven to fight for the cause in which we are engaged on British ground, and then it may be very important to our existence that our troops should be under the command of a person who may enjoy greater confidence from the people. It is the duty of ministers to exert themselves on this subject, and to recommend such a proceeding. I have now, Sir, discharged my duty; the task has been painful, but it is the only line of conduct which could be satisfactory to my mind. I recollect an observation of Lord Burleigh—'England can never be ruined but by its Parliament,' and I am of the same opinion; the remark is as just as it is striking—England will never be ruined till parliament shall cease to perform its duty."

The LORD ADVOCATE OF SCOTLAND rose, amidst a loud cry of *Question!* He said he was well aware of the impatience of the House to come to a vote; but although he seldom rose, except from a sense of duty, yet in a case of such magnitude and importance, on a question of evidence, he could not think of giving a silent vote. He felt that every moment this debate was protracted, the more necessity there was for doing so. The speech of the noble Lord who had just sat down, did not satisfy him in a question of such a complicated nature. He had gone over the evidence with the utmost attention, and had formed an opinion, the grounds of which, if gentlemen would hear his statement, they would sooner be enabled to arrive at the accomplishment of their object. His opinion was, that his Royal Highness had not in any one instance abused that power which was entrusted to him. And that the proper course of proceeding would be, that every distinct charge should be put in the nature of a question, so as either to be rejected or approved of. If the Commander in Chief were guilty of corruption, let it be said so, and let him be sent to his trial; but

but if, on the other hand, he was not guilty of corruption, let him be acquitted by a vote of the House, declaring him to be innocent. The learned gentleman was then proceeding to advert on the evidence, but the House became so clamorous, that he found it impossible to obtain a hearing.

Mr. WILBERFORCE then rose and began by stating that he deferred to the latest opportunity his intention of offering to the House his sentiments on the present most important question, because he confessed that it was his uniform and anxious wish to hear all that might be said on the subject upon either side, according to the various views that different minds might be severally disposed to take of it, before he ventured to state his opinion, that he might see it, in every light, and in every shape, that it could, perhaps, possibly appear in; and it had been with a view to this, that he had from the very commencement of this business, down to that moment, devoted his fixed and undivided attention to every part as it passed successively under his observation, both with respect to the evidence, and the variety of commentary that evidence had called forth; because it was his wish, as it unquestionably was his duty, to avail himself of every possible advantage, that could enable him to come ultimately to an opinion at once firm, impartial, and decided. And in the first place, before he proceeded to observe upon the case itself, he could not help adverting to the disposition he felt at the time when the charges were at first brought forward. Here he must frankly confess, that he had his full share in participating in those prejudices in favour of the accused which had been felt and acknowledged by others; and, therefore, whatever criminality there might be in persons in a judicial capacity involuntarily giving admission to such feelings, he could not help candidly acknowledging, that he must come in for his full share of it, for the charges did appear to him to be so extremely improbable, that the honourable member who had originated them must forgive him when he said, that he was almost satisfied that they would not be substantiated. The result, however, of the investigation upon his mind had been such as to shew that though he could not altogether get rid of those prejudices, he had not suffered them to interfere so far as to bias his affections, close his views, or influence his judgment. The question appeared to him to divide itself into two points: first, to what degree of corruption did the Duke of York participate in the matters proved:—and secondly, what was the general effect of this corruption? As for the participation, he could not help stating, that it was astonishing to him that his Royal Highness had not felt strong suspicions; he must have known from military friends and acquaintances, that there was a prevailing opinion in the army that this corruption existed. These were things not done in a corner, but generally known and published in widely-circulated pamphlets. It was a notorious and

undeniable fact that army patronage was corruptly disposed of, and that the channel was through the Commander in Chief. The Duke of York must also have known from the histories he had read, that the mistresses of Princes had ever been the source to which the corrupt had applied; that they kept, as it were, a shop open for the disposal of favours at Court.—It has been said, Mrs. Clarke came from the protection of an army broker, then the Duke of York ought to have been still more careful, and on his guard against her, as knowing she must be acquainted with all the tricks and practices of office. His Royal Highness also knew that she was distressed for money, and tempted by her necessities; another great cause to induce her to avail herself of the means in her power.

In the evidence of Mr. Corri, it was stated, that a few months after the connection had ceased between the Duke of York and Mrs. Clarke, she called upon him, and told him that the Duke was angry at something, and at the same time recommended to him to destroy all his papers. This circumstance shewed, that some suspicions had then been excited as to some facts, which may have come to light, and flashed conviction upon the mind of his Royal Highness. His Royal Highness seemed not to have been aware of the opportunity he enjoyed to consult those excellent and honourable men by whom he was surrounded, as to the means to prevent Mrs. Clarke from imposing upon his weakness by rendering his attachment to her subservient to her corrupt practices. On the contrary, he appeared to have kept them in the dark upon these subjects; and there was one circumstance to which he would particularly advert, to shew that this had been the case. When he received the letter from Mrs. Sutherland, requesting that the resignation of Major Turner might not be accepted for some time, in order that a lady, to whom he was represented as having behaved ill, might know where to find him, he put that letter into the hands of Colonel Gordon, as if it had been a letter from a perfect stranger (*Hear, hear, hear*); and Colonel Gordon had even stated at the bar, that he had not at that time any knowledge that the contrary was the case (*Hear, hear*). It was not then necessary to state how that case stood. The House was aware that an intimate connection had previously subsisted between his Royal Highness and this Mrs. Sutherland; in short, that she had been his mistress. From this, therefore, they must see, that, blinded by his affection or partiality for this lady, the Duke sunk the circumstance of his knowledge of her on the occasion; and instead of making an explicit communication of the fact, rather kept Colonel Gordon in the dark—that individual who of all others was most likely to rescue him from the dangerous precipice upon which he stood, and to save him from the abyss into which he was ready to plunge. (*Hear! hear!*) It appeared, also, from the evidence, that

that though Colonel Gordon had enjoyed the confidence of the Duke of York, so far as the execution of the duties of his office was concerned, for which that able officer seemed so well qualified, he did not possess so much of his confidence as would enable him to discharge the office of a friend, whom Princes so much want, but so seldom meet with. Certain it was, as had been stated by Colonel Gordon in his examination, that he had never even seen Mrs. Clarke until he saw her at the bar of that House; and in every thing that related to the connection between her and the Duke of York, that gentleman appeared to have kept a dignified distance, such as became his just and honourable mind. But before he should make the observations he intended upon several of the cases, he begged to say a few words upon one fact, and an important one too, namely, the very different circumstances in which those who were prosecuting, and those who were defending these charges, were placed. It had well been stated in his very able speech by the Noble Lord, (Lord Folkestone) that the defence had been conducted and supported by all the legal authorities of the government, by persons who possessed the means to find out, and the power to compel the attendance of any witnesses whom it might be necessary to examine; and it had been assisted throughout by the influence and weight of wealth, rank, and property. The inference that resulted from all this was, that if any unfavourable impressions existed against the Duke of York, it was not because all the witnesses had not been called, whose testimony might have been necessary for his defence, or effectual for his justification. All the witnesses that could have been of any service to that purpose had been examined; and if no more had been called, it was only because those who conducted the defence omitted to do so, lest they should injure their own cause. (*Hear! hear!*)

In this case, the proof must either be from Mrs. Clarke, the Duke of York, the persons who received the favours, or the agents who negotiated them. It so happened that they had all these kinds of evidence by Mrs. Clarke at the bar, the Duke of York's letters, the favoured persons' testimony and letters; and the agents, whether they were aware of Mrs. Clarke's designs, or, as was more probable, the dupes to her arts. Mrs. Clarke, in her testimony, seemed to have little scruple in violating the truth, and she was also contradicted by others. Though he was confident that Mrs. Clarke was not a witness, to whom he should give any great degree of credit, yet when corroborated as she had been, in cases which appeared the most romantic on their being first mentioned, he could not withhold his credit from her testimony. The case of O'Meara for instance, appeared at first to have been only the creature of her imagination; so also had it appeared impossible to believe her statement respecting General Clavering, and yet both had been afterwards

afterwards confirmed in a most extraordinary manner. He mentioned these small matters, because it was not possible to put them out of the question, and because it was often from such circumstances that the most correct opinion was to be formed of any transaction. When Mrs. Clarke had been asked how she had made her request to accomplish the exchange for Colonel Knight, she answered that she had given to the Duke of York the names of the parties upon a slip of paper, which she had received from Dr. Thynne. It appeared from the evidence, that, unknown to her at that time, Dr. Thynne had also stated that he had given to Mrs. Clarke a slip of paper containing the names of the parties. These coincidences in small matters often amounted to more cogent proof than resulted from more important parts of evidence. It had likewise been said by Mrs. Clarke, that, whenever the Duke of York was with her, she never suffered a livery servant to attend. It appeared that Samuel Carter did attend his Royal Highness, but it afterwards came out, that he never wore a livery. But the greatest thing of all, that confirmed the testimony of Mrs. Clarke, was the production of the Duke of York's letters to her, as well as the production of the letters, of which she had no idea that they existed, and the note which had been so much disputed. He was ready to give every credit for their candour and impartiality to those, who, in commenting upon the evidence, did not appear to have sufficiently attended to these documents; but gentlemen should recollect, that when they were acting as judges, they should not have forgotten to have summed up all the evidence. *Hear, hear, hear!* It was very material to keep these letters, and especially the mysterious note in view, in considering how far the testimony of Mrs. Clarke was corroborated. And when gentlemen contended, that the evidence of Mrs. Clarke was not to be believed, it was impossible not to suppose that they would have endeavoured to shew, that these documents contradicted her testimony. He would ask the right honourable gentleman whether, when they knew that these letters found in the possession of Mr. Sandon, and the letters procured from Mr. Nichol, afforded the best means to invalidate the testimony of Mrs. Clarke, they can shew why, with all their sagacity, research, and power of inquiry, they had yet left these documents entirely out of the question?

As for what had been said of the expence of the establishment, he never could believe that his Royal Highness had looked to the sale of Commissions, for its regular supply; and the assertion of Mrs. Clarke, that he told her if she was clever she needed want for nothing, was so improbable, that he could not for a moment credit it. Yet there might be something short of this, which pecuniary difficulties and distress occasioned. The honourable gentleman next considered the exchange between Knight and Brooke, as shewn in the general understanding that corrupt practices existed—

ed—a belief most injurious to the interests of the army, which could not entertain a more ruinous notion than that the road to preferment was by base and mean artifices, instead of patient suffering, discipline, and conduct. Dowler's case he considered as more gross than the former; and though there was no reason to believe the Duke of York privy to the payment of the 1000*l.* yet he was actuated by undue influence. He contended, that his Royal Highness, and not Sir Brooke Watson's interference, procured the appointment. Mr. Dowler was the son of a man who had been for fifteen years a member of the Whig Club, and the constant opponent of Sir Brook Watson in his own ward. It was not to be supposed that he would have provided a place, and in his own office, for the son of that gentleman; at least it would require great credulity to believe that fact. French's levy was extremely suspicious, and though there was no decisive proof that the Duke knew of the corrupt agreement, there was reason to think, from the long correspondence, he could not but have suspected it. As for Miss Taylor's evidence, he conceived it to be a proof of a wish to turn every thing to the purpose of the party she had espoused; when an honourable gentleman said, that even if she had heard the words stated in her evidence, they were without meaning—"Does he harrass you as he does me," was the construction of the sentence, alluding to French and his levy, which was a business with which the Duke alone, and not Mrs. Clarke, had with propriety any thing to do. This was another proof of corrupt influence; but considering that Miss Taylor could not recollect any thing else, and that these words were brought to her mind by Mrs. Clarke, he could not think this evidence strong enough to prove any guilty participation on the part of his Royal Highness. Tonyn's case was a strong one, and, supported by the note, which in his opinion, was genuine, though it was probable it might be obtained from the Duke of York with some other view, and on some other story than the one now told. The case of Captain Turner proved that influence of a similar description to Mrs. Clarke's prevailed; and if a woman, not living with the Commander in Chief, could prevail so much as to prevent the resignation of an officer; what might be expected from the influence of a woman with whom he lived, and for whom he had the warmest affection?

In voting for the amendment of his honourable friend, he should vote for the acquittal of the Duke of York of corruption as far as he could. But the gentleman opposite appeared to him to have adopted a strange course. In consequence of the evidence, they called for a direct decision of the question of corruption or no corruption. They found fault with the amendment of his honourable friend, because he had not introduced something stronger into it, which they could more easily induce the House to reject. These gentlemen were old soldiers, *Hear! hear!* and could not be
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at any loss for parliamentary expedients (*Hear ; hear !*). He too had some experience in these matters, and should have profited little by his long acquaintance with the practice and forms of Parliament, not to perceive the drift of such a suggestion. The most manly course that the House could adopt, would be that which was consistent with its duty, and with justice. They should go no farther than their duty demanded. Glad, indeed, should he be, if it was possible for the House to come to a decision favourable to his Royal Highness, but that the evidence rendered hopeless. They were not to be considered cruel for placing the Duke in the situation in which the question before the House placed him. It was not that House, or any proceeding in it, but those friends who should have informed his Royal Highness of the corrupt practices that were going on, and neglected it, that had brought his Royal Highness to the situation in which he then was. With regard to all that had been said of the evidence, as to the general improbability of its character, that had no influence upon his mind. No man would say that the Duke of York recollected the letters which had been produced. This was likely enough to arise from that looseness of mind, of acting, and of feeling, which appeared in the conduct of his Royal Highness.

In adverting to the internal evidence, Mr. Wilberforce expressed his conviction that there could be no plot in the case. Mrs. Clarke, it appeared, was on bad terms with Maltby, with Sandon, and others with whom this plot must have been contrived. Dowler and Sandon had but just arrived from the Continent. There was, he confessed, the strongest confirmation of her evidence on some of the most material points in the letters—a sort of evidence which had always been considered as the best, as they were written at the time; and of many of these she herself did not know the existence. He next adverted to the argument in favour of the Duke of York, deduced from the management of the army. As far as this tended to shew that these transactions had no material bad effect on the character of the army, he thought the argument a just one; but when brought forward as something to be placed in the opposite scale, it rather tended to prove the strength of the evidence. He allowed that the Duke of York, by placing Colonel Gordon and other most honourable persons about him in his office had given a bond to the public for the correctness of his own conduct—and one could only regret that he had not, when he knew of Mrs. Clarke's interference, given instructions to them to check it. He could not doubt, from the evidence of the honourable General opposite (Sir A. Wellesley), and others, that improvements had taken place in the constitution of the army; but he had rather thought the honourable General did not do justice to himself or his fellow soldiers, when he ascribed his and their victories to the Duke of York. The excellence of the British army, he rather ascribed to the freedom of the
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British constitution, and that gradually descending scale of rank, which gave every independant man consequence, and a feeling of dignity which spread over the whole community.

. *Magno se corpore miscet.*

The honourable gentleman, after some further remarks upon the nature of the several modes of proceeding submitted to the House, came to consider the charges against his Royal Highness in a moral point of view, and said, that, after viewing the scenes which had been unhappily disclosed, and considering that the eyes of the country, nay of all Europe, were upon them, the House had a most important function to perform; and he had no hesitation in saying, that the public opinion of their independence would greatly depend on the vote they should give upon the subject before them. For his part; after reflecting on the disgusting scenes that had been proved, he thought the House could do no less than come to a resolution to support the amendment of his right honourable friend Mr. Banks. It was wise, prudent, and moderate, and, in his opinion, met the justice of the case, when considered in one comprehensive and general view. It was a fit sacrifice to public decency, and it was necessary to the safety of the country that the office of the Commander in Chief should no longer continue in the hands of his Royal Highness. (*A loud cry of Hear! hear! from the Opposition Benches*)

The House, he said, owed it as a reparation to public morals to speak out, and it was highly beneficial to society, that so flagrant a deviation from the principles of religion and virtue should be marked by reprobation. A very able writer, Machiavel, had said, that looseness in morals, and infidelity in religion, sapped and undermined a State more than any other cause whatever. If then the house should take no notice of the vice and debauchery proved at their bar, it would go to establish a belief, that they paid more respect to the laws of courtesy and civility than they did to the laws of God. He would admit that his majesty's example for virtue and piety had endeared him to his people, but the hope that his royal highness would set about an immediate reformation, and imitate his illustrious parent, was going beyond the ordinary confidence that house was accustomed to give. (*A general exclamation of; hear! hear!*).

An honourable gentleman, he said, had alluded to some transactions in the time of Charles the Second. as it was the reign of mistresses, he would also state a fact in point that occurred in the same reign. It appeared that that Monarch had taken some unbecoming freedoms, and behaved improperly with a loose female. The members of the kirk were called upon to rebuke his majesty for his bad example, and contempt of public morals, and an ecclesiastic of the name of Douglas was selected for that purpose.

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Having come into the presence of the king, he requested those who accompanied him to remain at a distance, and when he had advanced out of the hearing of the spectators, he exclaimed, "The next time your Majesty indulges with loose women, take care to close the shutters." The king received the intimation as it was meant, and the people were completely satisfied with the rebuke. Mr. Hume, who tells the story, informs us, that the king never forgot the minister's courtesy, but he does not tell us that his majesty reformed his habits." Now the use he meant to make of this story was, that the expectations of rebuke held out by the Chancellor of the Exchequer appeared to him to be something like the rebuke in question, and it was not unlikely its effects would be the same.—If the House, therefore, meant to do any thing to uphold a due sense of religion and morals, it should come to a direct avowal of its concern, that those essential and fundamental principles of a people's prosperity and happiness should have been violated by his Royal Highness. If it was to act otherwise, and to adopt the Resolutions and Address of the right honourable gentleman opposite to him, it would be merely echoing back the contents of his Royal Highness's letter—a document, the sooner it was forgot, the better. Still the Address had some unexceptionable traits in it—he meant the respect paid to his Majesty; and the more the several branches of the Royal Family imitated the example placed before them, the more likely were they to ensure the respect and affection of the country.—(*Here the impatience of the House for the Question, and the cry to enforce a division was so loud and continued, that the voice of the Speaker was drowned for a considerable time.*)

Gentlemen, he said, would do well to consider seriously what they were doing, for if they were resolved to come to a decision adverse to that which appeared to be founded on truth and justice, they would make themselves responsible for the consequences that might result from continuing his Royal Highness in office after what had passed. He would repeat, that he could not remain there with prudence, and he adjured the House to recollect, that not only the honour of the British Parliament, but the safety of the Country was at stake. He adjured them also to recollect, that the nefarious traffic for commissions and promotions had been promulgated, not only throughout the British empire, but all Europe; and what would be thought, after substantiating such practices at their Bar, should the Commander in Chief be allowed to keep his station? If kept mistresses were to open or shut the doors to military preferment, was it not possible the enemy might draw advantages from the abuse? It would be remembered, that Bonaparte had done more by the intrigues of bad women than by almost any other means; and a great portion of his success was ascribable to the corruption diffused by such emissaries. Bad women had betrayed the state secrets of countries, and might do so again. It was a principal
instrument

instrument in the hands of the tyrant to whom he alluded, and it had proved the destruction of states and empires.

The House should also recollect that its proceedings had probably been read by every burthened cottager in the country; and it was fit the House should look to the dangers that threatened, if it did not perform the solemn duties committed to its charge with honesty, fidelity, and purity of heart. The time might come, if they decided precipitately, when they would wish that they had bestowed a more calm and serious consideration upon so momentous a question. The character of the House depended on the vote it should give, and as it looked to the country for confidence and approbation of its measures, so ought it to attend to the popular feeling in every legitimate way that truth and justice would admit. The Honourable Gentleman concluded by declaring his intention of voting for the Amendment proposed by Mr. Banks.

Mr. Secretary CANNING made a very long and eloquent speech against both the Amendments which had been proposed, and also against the Address moved by Mr. Wardle, and in support of the Resolutions moved by his Right Honourable Friend. He contended at great length that it was unparliamentary to move an Address without preceding it with Resolutions, for otherwise it would be an Address without foundation. He defended most strenuously the course of adopting Resolutions instead of an Address in the first instance; ridiculed the course proposed of coming to an Address without any Resolution as a foundation for it; defended his Royal Highness from what he conceived to be the most shameful slander; defended also himself from what he maintained to be a misrepresentation of what he said when this subject was moved. The Honourable Gentleman defended the letter of his Royal Highness: not to have received it would have been to have denied him that justice which is the right of the meanest individual in the Country. The note which had excited such a sensation had been swelled into more importance than it deserved. He protested against this method of drawing inferences from the letters of public men, and mentioned an instance of a letter which he himself had written to a poetical Lady, who had written an Ode on Vaccination, which by such inferences might be tortured into high treason. He expressed his astonishment that it should have been said, that Sir B. Watson could not have appointed Mr. Dowler, because his father differed from him in politics; and remarked with a great deal of humour, upon the lofty political dissentions between Deputy Dowler and Commissary Watson. He denied that he had said that infamy must attach to the accused or the accuser; though he did say that it must rest so new; and it did rest with that confederacy, of which the Duke of York had been the dupe and the victim. As he had in one instance been misrepresented by addition, he had in another been misrepresented by

curtailment. When he said that some men might be led to doubt whether the licentiousness of the Press did not over-balance its benefits—he had added, that the evil was temporary, but the good permanent. This had been left out, and as an argument in favour of his own recollection, he alluded to the misrepresentation as having taken place in one publication only, out of twelve. Mr. Canning also observed, that before these charges had been brought forward, it would have been well to have weighed, whether the evil would not surpass the good that could be produced. This was his feeling, and he would not conceal it, though he should be misrepresented so far as to have said, that the transgressions of Princes ought to be overlooked. If the day should come, when the thanks of the House should be moved to the accuser, he would oppose the motion, and he trusted he would find many to join him.

Mr. PONSONBY said, that he would trouble the House with but a very few remarks; he was the more encouraged to offer them, as the Right Honourable Gentleman had abstained from all personality, and set an example of such fair reasoning.—(*Hear! Hear!*)—He wondered how any one could think the Duke of York not guilty of connivance, after the evidence they had heard. The letter upon the case of Tonym he considered indisputable; if they did not agree that he was guilty of corruption himself, yet they must admit that he was subject to an influence interfering with the public service. The transaction with Kennet was one of personal convenience to the Commander in Chief. It was mentioned in the letter from Mr. Kennet, that if he obtained the situation, he would be able to procure a loan for the Duke of York; there was every reason to believe that that letter was laid before the Commander in Chief, yet they did not find that a communication was discontinued in consequence of it. The Honourable Member who spoke last, had warned them against popular clamour; no one agreed more than he did in the opinion that popular clamour should be guarded against; but the House ought to consider, that this case, of all others, the educated part of the community was qualified to decide; they ought to consider that they had sent authentic copies abroad, and that the educated part of the community were in the habit of acting as Jurymen, and consequently competent to decide upon evidence; though they ought not to suffer the prejudices of the community to interfere with, or influence their opinions, yet their just judgments ought to be respected. He thought that the case was fully proved, and that they could not in justice decide that the Commander in Chief was not guilty.

Strangers were then ordered to withdraw.

The House divided on Mr. Banks's amendment; when there appeared,

Ayes 199—Noes 294—Majority 95

The

The House then divided on Mr. Wardle's Address, when there appeared,

Ayes	-	-	-	-	-	-	-	-	123
Noes	-	-	-	-	-	-	-	-	364
Majority	-	-	-	-	-	-	-	-	241

Mr. PERCIVAL then moved

“ That the House should decide on his second Resolution, declaratory of the innocence of his Royal Highness the Duke of York ;”

which being opposed, and a debate likely to take place, he proposed to adjourn the taking it into consideration till Friday, the 17th, which was agreed to, and at Half past Six o'Clock the House adjourned

FRIDAY, MARCH 17,

On the motion of Lord FOLKSTONE, the adjourned debate was resumed

The SPEAKER having stated the question,

The CHANCELLOR of the EXCHEQUER intimated his wish, if such a proceeding were consonant to the feelings of the House, to withdraw his Resolution.

Mr. TIERNEY, however unwilling to harass the House by any delay, requested that the Honourable Gentleman would explain the motive by which he was induced to make such a proposition.

The CHANCELLOR of the EXCHEQUER replied, that as the last vote of the House was decisive upon the object of that Resolution, he could not perceive why it should not be withdrawn.

Mr. TIERNEY objected to the resolution being withdrawn, as he thought the mode then intended to be pursued by the Right Honourable Gentleman would be that of puzzling and confounding, rather than making clear and distinct, the principles upon which the House was to act. In a matter of such magnitude it was right that they should have a defined object before them. For his part he had no hesitation in saying, that although he did and must admit that foul and corrupt practices had prevailed, yet in his conscience, he did not think that a personal participation of them was brought home to the Royal Duke. The character of his Royal Highness was public property. The public had an interest in being satisfied that the character of an individual so near the throne was not tainted with corruption. If the reverse were on the records of Parliament a Bill of Exclusion ought to be passed. But while he acquitted his Royal Highness of corruption, there were other circumstances remaining which would render the decision, *aye*, or *no*, on the general and comprehensive accusation to which his Royal Highness had been subjected, painful in the extreme. His Royal Highness was a man of such description, that every one who knew

him must be anxious that what was done that might be injurious to his feelings, should be done as mildly as possible, but there was another duty which the House had to perform, to take care that no high public office should be filled by a person to whom suspicion could attach.

By the course which the Right Honourable Gentleman proposed, the House might find itself in this extraordinary situation, that it would be the only place in which no opinion on the Duke of York's conduct had been expressed. He was as little the slave of public opinion as any man, but he had sufficient awe for the public, to be ashamed to look it in the face, unless some decision were adopted. The Address proposed by the Right Honourable Gentleman was distinctly an Address to his Majesty, to continue the Duke of York in his office. He trusted that the House would not agree too hastily to such a proposition. He contended that the Duke of York had been decoyed into sending the letter which he had sent to the Speaker, which it was almost in evidence had been the production of the Cabinet, and the latter part of which was highly censurable. After the acknowledgment in that letter, it seemed to him impossible that his Royal Highness could continue in office. The tenor of the letter was unworthy of his Royal Highness's feeling and manliness, it went not to maintain his honour, but to preserve his emoluments, and he was satisfied that it was not the voluntary effusion of his Royal Highness's own mind. The latter part of it was unconstitutional, as it denied the right of the House to enter into any examination at their Bar, and to come to any consequent resolution which might to them seem expedient, without proceeding to an impeachment. An impeachment was frequently inconvenient. There were many parts in our history in which it seemed directly calculated to acquit the individual accused. Besides, the House were not fettered by any rules, they might stop as short, or go as far as they chose. Their only guide was their own sound discretion, and the interests of the people.

Repeating that he distinctly acquitted the Duke of corruption, he observed, that there were other questionable points, and deprecated the decision to which it appeared to be the Right Honourable Gentleman's intention to force the House. The House of Commons was a Jury which voted by a majority, but it might so happen, that in the minority on such a subject there might be numbers and names who ought not to be put into the distressing situation of speaking their naked sentiments on the character of the Duke of York. He allowed that his Royal Highness had been guilty of no corruption, but he denied the right of the Right Honourable Gentleman to sift his heart, and make him declare whether or not he thought any other unpleasant thing had occurred. He would go as far as any man to spare the feelings of his Majesty, but he

must do his duty. The general character of his Royal Highness, the kindness and conciliation of his manners—the beneficial regulations which he had introduced in the army—his exact attention to business—all combined to exalt the pain with which he said that in his opinion he could not remain where he was. The man who should devise the most mild method of conveying this opinion should have his support. Such a declaration was due from the House to their constituents. There was a time when nothing could have made him more happy than to hear that the Duke of York had resigned, such a step would have been without imputation, and not without a precedent. In the reign of Queen Anne, the Commissioners of Public Accounts reported a transaction, by which they declared, that the Duke of Marlborough had unduly put three thousand pounds in his pocket. On the House of Commons determining to take this matter into consideration, Her Majesty in Council declared, that being anxious the investigation should be conducted with impartiality, she resumed all the Duke's appointments. The Duke's enemies prevailed; but his friends had this satisfaction, that no vote recommending his dismissal remained on the Journals.

The Right Honourable Gentleman concluded with expressing his wish, that the Amendment of the Resolution which the Chancellor of the Exchequer proposed to withdraw, should include something to this effect, "That there were various other circumstances and transactions disclosed in the evidence respecting the conduct of the Duke of York, upon which the House felt it expedient to declare an opinion." This or something of the same nature he desired to have added to the Resolution relative to personal corruption, or otherwise, he should feel it his duty to oppose it; because, without some such security for a proceeding upon the whole of the case, neither the House nor the Country could, or ought to be satisfied.

Mr. BATHURST wished the Resolution to be withdrawn, for the purpose of substituting, not the Resolution intended by the Chancellor of the Exchequer, but one more expressive of the sense of the House upon the conduct generally of his Royal Highness, in his relative situation of Commander in Chief, which, in his opinion, he ought not any longer to fill.

Mr. BARRIAM could not bring himself to think that immediate degradation and eternal infamy were no punishment; and thought it wrong to inflict punishment for an ambiguity, and to pronounce judgment upon an alternative. All that the House had to say was, that the charge of corruption was not proved; and it was injustice to the Duke of York to deprive him of the votes of those who could go thus far, and no farther. He had rather kill a man outright, than mercifully inflict a lingering death; he had rather stab him in open day, than insinuate into his body a poisoned dagger.

The Duke of York might be innocent of corruption, and yet guilty of misconduct: it was impossible to dismiss the subject without a further Resolution, and the Address would form the subject of a third Resolution. It was desirable that there should be an Address, in order to relieve the anxiety of his Majesty's mind. The Honourable Member's view of the subject would be better explained by a Resolution which however he should not propose, but merely read as a declaration of his opinion. It stated first, that there were corrupt practices; secondly, that the Duke of York did not participate in or connive at them; and thirdly, that he had however permitted the undue influence of a connection, in itself highly immoral, to the injury of the Service and the scandal of the Public.

Lord WILLIAM RUSSELL did not approve of the line of conduct pursued by the Chancellor of the Exchequer. The House had gone into a full investigation of the charges exhibited against the Duke of York, and although no corruption had been proved against him, yet no man in the country could deny that abuses existed in the army department. Some of the good old practices of Parliament were getting into disuse: formerly it was the custom to propose, that, previous to any Vote of Supply, that House should inquire into the state of the Nation, and redress its grievances. He wished that if that good old custom was not to be revived, at least that its principle would, in the present instance, be applied; and that the House would think with him, that the speedily remedying the gross public abuses which had prevailed, was an object than which none demanded a prior investigation.

General FERGUSON said, that he should have abstained from speaking upon the subject entirely, if it were not a question so intimately connected with his profession. The Honourable General proceeded—"It has given me the greatest satisfaction to hear that the army has been in such a state of progressive improvement since his Royal Highness the Duke of York assumed the Chief Command, and I am glad to be enabled to bear my testimony to the many wise and salutary regulations which have been introduced into the army under the auspices of the Commander in Chief. I shall, at all times, have great pleasure in joining in all encomiums paid to that royal person as far as I believe such encomiums to be just and merited. This is as much my duty, as it is my inclination, for I am among the many who have reason to be thankful to his Royal Highness for personal favours, and for more than a merited portion of his consideration, and therefore it was with deep and heartfelt regret that I was compelled to think of him, as I must have thought, when I voted as I did vote. But, Sir, all such considerations must necessarily yield to that imperious sense of public duty, which, in this place, is our first duty. Deciding as I have done, so opposite to my original wishes, and what adds to my regret, so opposite to the sentiments of my brother Officers,

I have,

I have, however, not decided hastily. I have read the evidence with care, with an anxious wish to come at the truth, lay where or against whom it may. I have weighed it with mature deliberation—listened to the long and various commentaries upon it with attention, and trust I may now venture to say, that I have decided with impartiality. It is not my intention, Sir, to offer any observation now upon that evidence, it has been already in too able hands to leave any thing for me to say, but the impression it has made on my mind is, that the Duke of York is extremely culpable. Throughout the country a cloud of suspicion has been collecting, and it has settled upon his character; while that cloud remains, until it has been dispelled, my opinion is, that it is not for the honour of the Army, that the Chief Command should remain in the hands of the Duke of York."

LORD HENRY PETTY paid a high compliment to the manly and honourable manner in which the gallant General had expressed his sentiments.

THE CHANCELLOR of the EXCHEQUER read a Resolution, which it was his intention to move upon the evidence which had been taken, and which was to the following effect:—

"That it is the opinion of this House, after the fullest and most attentive investigation of the evidence reported by the Committee of the whole House, appointed to inquire into the Conduct of his Royal Highness the Duke of York, that there is no ground for charging him; in the execution, of his office of Commander in Chief, with personal corruption, as alleged in the said evidence, or any connivance in the corrupt and infamous practices therein exposed."

The Right Honourable Gentleman did not think that the foregoing Resolution could be objected to by any man who perused the evidence; but if any Honourable Member was of a contrary opinion, yet still he would press it in that shape, rather than adopt any amendment to procure unanimity. Such Gentlemen as might suppose the words of it to acquit his Royal Highness of holding conversations and correspondence with Mrs. Clarke upon the subject of military promotions, he could not naturally expect to vote with him. He himself, however, thought that he did not discharge his duty to the Country, and to the Royal Duke, without making the present motion, which was expressive of his own feelings upon the subject, after the most careful attention to the evidence. He stated from the beginning, that improper transactions had taken place, and he was anxious that the House should notice them; but he was certain that there existed no grounds for ascribing them to the Duke of York; and as suspicion alone existed in the minds of some Gentlemen, he could not think it a sufficient ground for removing him from an office which he had held for sixteen years, with so much honour to himself, and advantage to the army and to the country.

country. The present resolution only went to acquit the Duke, and was by no means intended to entrap the House into a vote which would infer that no improper practices had taken place. When the resolution should be carried, Gentlemen would have ample opportunity for proposing any alteration they might wish in the Address which should follow.

The SPEAKER then put the Resolution, and

Mr. LYTTLETON said, he would give the Resolution his most decided opposition. He insisted that such a Resolution ought not to be proposed, and if the House adopted it, they would abandon one of their most important privileges. It was a matter of mere discretion with the Commons, whether they should permit any Public Officer to hold his situation or not, without being bound to state any specific act of misconduct as a reason for removing him from his employment. He coincided in the sentiments that had been expressed, respecting the character of Princes—that their character was public property; that it was the character of the nation. True, it was so. The glory which they acquired reflected upon us; but whenever they dishonoured themselves, did not their disgrace redound upon us also? Such must be the feeling of every man with a drop of British blood in his veins. Thinking thus, he would rather have been spared the necessity of making the declaration he would now make. It was this, that the charges against the Duke of York were fully proved,—proved not perhaps in strictness of law; but sufficiently proved to satisfy the conscience and understanding of any plain, honourable man. The evidence, if not as good as could be wished—if not the very best, was yet the best that the nature of the transactions would admit. It was besides corroborated by other evidence, and by evidence of that kind, which, next to the confession of the person accused, was reckoned the best evidence: he meant the writing of the Duke of York. To that evidence he could not refuse his assent. Combining all its parts—seeing how they supported and confirmed each other, it carried complete conviction to his mind. It might be true, indeed, that the Duke had rendered very important services to the army, but that was only his duty, and no defence to acts of misconduct. Our ancestors always entertained a just jealousy of the influence of the Crown, and the conduct of Public Officers, and it became us to do the same, notwithstanding the insinuations which had been made against those who attempted it, as if they were actuated by Jacobinical principles, and endeavouring to overturn the family of Brunswick.

In mentioning the practice of our ancestors, he hoped he should not be combated by a Right Honourable Secretary of State, in the same manner in which a Noble Lord had been treated on a former evening. That was a topic on which the Right Honourable Secretary would have a considerable advantage, as it would be a difficult

difficult matter to collect any obscure anecdote relating to his ancestors. He was extremely sorry that the Duke of York had given reason to suspect his character, and prevent its being handed down untainted to posterity, but truths could not be perverted or disguised. The people imperiously called upon the House for justice, and he trusted it would be done, that they might not complain of being abandoned by their Representatives, or suspect their integrity. The House ought to convince the people, in the language of scripture, that it was no respecter of persons.

Sir T. TURTON rose to make some observations on the resolution now before the House. He feared that if it were adopted the people would say that the House of Commons had done nothing, and would do nothing. He had occasion to know a good deal of the opinions of the middle classes of society, and he feared that such would be their sentiments. For his part he would state in the presence of God, and before his country, that he believed his Royal Highness knew of the transactions which had appeared in evidence. It was with pain that he said so; but he thought the situation of the country at the present moment required that justice should be done—*fiat justitia ruat cælum*. He was perfectly willing to declare his conviction that his Royal Highness had not participated in the gains, that he had put nothing into his own pocket; but he could not acquit him of the charge of knowingly permitting these transactions to go on. On these grounds he felt it his painful duty to move an amendment to the Resolution of the Right Honourable the Chancellor of the Exchequer, to the following effect:

“That the evidence repeated to the House does afford grounds of charging
“his Royal Highness with knowledge of the corrupt practices that had
“been disclosed at the Bar.”

This amendment was seconded by Mr. Brand.

Mr. HERBERT acquitted the Duke of York of all participation or personal corruption. He thought that there were not *sufficient* grounds of charge; but he could not go the length of saying that there were *no* grounds.

Mr. BRAND observed, that the House was come to the situation when it must say *aye* or *no*—guilty or not guilty; and he must do his duty to his country. He had been told that this evidence was that of an accomplice. The passion of revenge might be strong; but it could not be stronger than the desire of self-existence in a king's evidence. The Right Honourable Chancellor of the Exchequer had no objection, while at the Bar, to press for conviction solely on king's evidence. In the case of the murder of Mr. Steele, the persons accused were convicted and executed on the evidence of an accomplice, corroborated by some vague words heard by a Bow Street Officer. Mrs. Clarke was corroborated by a clear and unimpeachable witness. The trial by Jury was a constant

stant rule to the people of this country; and they would feel that on such evidence as this a Jury would convict. He was sorry the Amendment had been moved, as he would have been better satisfied with a direct negative.

Mr. MANNERS SUTTON expressed his astonishment at the amendment proposed by the Honourable Baronet, since it went to stigmatize, generally, the character of his Royal Highness, and did not point out to what definite part of his conduct it referred. This general charge, too, was founded on testimony of the loosest nature, and he must say, that if greater latitude of examination was given in that House than in a Court of Law, yet here a stricter scrutiny into the character of the witnesses was requisite. For his part he could say most conscientiously, that, in his mind, there existed no ground of belief, either of participation, connivance, or knowledge, on the part of his Royal Highness. He was perfectly aware that the public mind was strongly interested in the decision of the House; but he believed, that the Public were prepared to adopt that decision which he trusted the House would come to, if properly, distinctly, and fairly laid before them.

Mr. FULLER thought it his duty to say a few words on the question, particularly on account of the violence which had been used on this occasion towards him, and the sort of manner in which he had been treated by letters which had been sent him, calling him a black hearted fellow. (*A laugh*) When this inquiry began, the interest of the public did not seem so strongly excited, and then the Gentlemen opposite had disclaimed all participation in the business. One of those Honourable Gentlemen had almost knocked him down for hinting that he had any concern with the matter. (*A laugh*) But when the popular clamour began to run high then these gentlemen joined it, and endeavoured to cry down a man who had done so much good to the army and the country. They raised a clamour about the single case of Samuel Carter, when it was well known that under former Commanders in Chief butchers and bakers, and these sort of people, got commissions for their sons and other relations. They attempted to destroy the honour of the Duke of York, which was dearer to him than life, and to send him away with a harpoon stuck in him, as it were, on the evidence of such a being, as Mrs. Clarke. They had talked about a dissolution—why, it was not the dissolution at the last day, if there was a dissolution of Parliament, he did not feel but his constituents would again elect him. He thought the House ought to take notice of the insults he had received—if such insults were thrown out to Members of Parliament, it should be made a misdemeanour; and those who did not like England, damn 'em, ought to leave it. (*Loud laughing*) The Honourable Member said, he had to apologise for the last phrase he had used, but it was a public toast, and was so full in his mind, he could not help using it.—(*More laughing.*)

Mr BANKES complained of the situation in which he and others were placed by the amendment of the Honourable Baronet (Sir T. Turton).—He could not concur in that amendment, because it went to a complete affirmation of the corruption.—He could not concur in the Resolution, because it went to acquit the Duke of York completely of connivance. The Honourable Gentleman then proceeded to mark the distinction between personal corruption and connivance. He allowed that connivance was a corruption, but then it was much less in degree than wilful and deliberate corruption. He was ready to acquit his Royal Highness of personal corruption and participation in corruption; but of that connivance which had been defined by Dr. Johnson as corrupt ignorance, as a voluntary blindness, he could not acquit him. It was dangerous in morals to confound virtue and vice. It was equally dangerous in political matters to destroy the gradations of vices. If the Resolution meant that there was no ground for any farther judicial proceedings in the House, he agreed in it perfectly, so far; but did it mean to say that there were no grounds for any further proceedings in the House? He again complained of the amendment, which prevented him, and those who thought with him, from proposing an alteration in the Resolution which might suit their ideas. His great objection was to the acquittal on the point of connivance. In the situation in which he was unfortunately placed, he could vote neither for the Resolution nor the Amendment. He wished, therefore, the Honourable Baronet would withdraw his Amendment, as a direct negative of the Resolution, would answer his purpose equally well.

Sir T TURTON refusing to withdraw his Amendment. [The cries for the *question* again began, and continued for several minutes.]

Lord HENRY PETTY then rose, and in a very animated tone observed, that, in the present temper and disposition of the House, it was impossible to come to any rational conclusion, and therefore he thought it his duty to move, that the House do now adjourn. (*Loud cries of Hear! hear!*) This motion the Noble Lord then handed up to the Speaker.

The SPEAKER holding the motion for adjournment in his hand, remarked, that, in the present temper of the House, it was impossible to come to any decision, either with respect to the motion of adjournment, or any other. (*A cry of Chair! Chair!*) He requested the House to consult their own dignity, and to return to that silence and decorum that might enable them to come to some rational conclusion. He then stated the original motion, the amendment that had been made on it, and the motion now put into his hand for adjournment, and was proceeding to put the question on the motion of adjournment, when

Mr. PERCEVAL hoped that the Noble Lord would not press his motion, which he supposed to intend merely to bring the House to a consideration of the propriety of finishing this grave and fatiguing

tiguing business with the same patience and attention which the House had hitherto exhibited. Their impatience, after such a long investigation, was not surprising; but was it necessary for him to remind the House of what was due to its own dignity? He hoped the House would not give reason to think that this investigation, which had been hitherto conducted in so serious and dignified a manner, had ended in confusion. The most important part of the question was now under agitation; and it would not close with that credit to the House which it was desirable to secure, unless they paid that attention which would induce the Noble Lord to withdraw his motion.

Lord H. PERRY said that the Right Honourable Gentleman had clearly stated his object; and if the House was disposed to attend, he would withdraw his motion.

Mr. WHITBREAD observed, that they ought to have some personal respect to the feelings of the Speaker, whose patience and unwearied attention had been so exemplary during the whole of this enquiry, and not unnecessarily add to his fatigues, which had little need to be increased.

Lord H. PERRY regretted the distressing situation to which the House seemed at present to be reduced, anxious as he was that their proceedings should terminate in an acquittal of his Royal Highness. Neither the Resolution nor Amendment, he thought, would singly have that effect. That part of the original motion that acquitted his Royal Highness of personal corruption, he was willing and ready to accede to; but at the same time he could not in his conscience say that his Royal Highness was innocent of all connivance or knowledge of those practices that had been fully proved to exist. There could not, he thought, be a man in the House who would not willingly, on principles consistent with his conscience, acquit his Royal Highness. With respect to the gratitude due to the Royal Family, there could be but one opinion—a Family, endeared to this Country by the recollection of every thing connected with its liberty. He regretted that the manner in which the Right Honourable Gentleman had couched his proposition, not only prevented him from assenting, but must oblige him to give it his decided negative.

Much had been said by the Gentlemen opposite of the necessity of their giving an opinion as a judicial body, but they were not a judicial body, nor could they as such bring the question to a decision. He was astonished, therefore, to have heard such expressions from Gentlemen, particularly of the legal profession, who ought to have been better acquainted with the constitution of that House, than to suppose that they were obliged to come to any formal verdict. If he was guilty of an error in this observation, it was an error proceeding from the constitution of the country, as the law had proved nothing on this subject either to regulate or enforce their opinions. He had brought

brought with him all the feelings of a Judge and Jurymen into the House, but after all he found that he would act only as a Member of Parliament (*Hear ' hear '*) in protesting the public, and in endeavouring to redress their grievances. It was on this ground he should be obliged to negative the Right Honourable Gentleman's proposition. Laying his hand on his heart, he could not say that the Duke was innocent of all knowledge of the transactions charged against him. The evidence received at the Bar, whenever it appeared, from its nature, capable of being confirmed by documents, had been so corroborated by documents of the most unquestionable nature. The defence made of the Duke by the Right Honourable Gentleman had, in some instances proved the weakness of his cause, and had certainly been of more prejudice than advantage to it. The note respecting Tonyn's case, and Miss Taylor's evidence, had been supposed to be the effect of conspiracy, and the work and contrivance of some superior heads; and yet, granting them to be true, it had been argued as if they did not at all affect his Royal Highness. This was an inconsistency which he could not pass unnoticed, though the evidence in those cases appeared to him to have been uncontroverted.

His Lordship declared himself to be one of those who took a distinction between the different degrees of corruption. It appeared to him contrary to common sense to say, that corruption and connivance meant exactly the same thing—as much as it was contrary to common sense to say, that a cool and deliberate connivance was equally criminal with a sort of voluntary blindness, or negligence. But in which ever of these degrees which his Royal Highness was pronounced to be guilty, it would be sufficient to render his removal necessary. Having this opinion, how could he connect the charge of connivance, for which there was some evidence, with that of gross personal corruption and participation, for which there was no proof at all?—In the words of an entertaining Poet,

You gulp your reasons whole and in a lump,
And come to short conclusions in a jump

This Resolution led to another the effect of which would be to continue the Duke of York in his situation, though he suffered these things to pass before his eyes. In the case of Dr. O'Meara, it was scarcely possible for the Duke of York to imagine that Mrs Clarke interested herself so much in his favour purely from affection. In the case of General Claveling, the same remark was applicable. If the Duke of York reflected at all, he must have connived, and it was extremely difficult to conceive how he could have avoided it. He admitted, however, that all this, in a great measure, might be blindness, but he could not vote that there were *no* grounds for believing his Royal Highness guilty of connivance in any sense.

of the word. Had the Resolution merely asserted that there were no grounds for further judicial proceeding, he would have concurred in it, for he was not prepared to vote for an impeachment. He was sorry to say the Resolution did not do this, notwithstanding the many alterations which the Right Honourable Gentleman had made in it since he first proposed it—not, certainly, with the mean intention of catching straggling votes, but on account of variation in his own opinions!

The Resolution of the Right Honourable Gentleman was equivocal, and he could not vote for any Resolution on this occasion, of which the meaning was equivocal. From the effects which a want of caution in this respect had already produced, the House ought to be on its guard. It was of essential importance, that the public should exactly understand what were the opinions of the Members of the House. His Lordship observed further, that if after a Resolution of acquittal of this kind the Chancellor of the Exchequer should propose his Address, he would be doing the greatest injury to his Royal Highness that could possibly be conceived. You first voted, that he had been unjustly accused of corruption, and connivance at corruption, and then as a *solecism* for this unjust accusation you sent him to his Father with a lecture on morality, with which the House had nothing to do, except in as far as his want of morality was connected with the duties of his public situation. He admitted the immense importance of the moral duties—but of all tribunals to censure or punish the breach of such duties, that House was most unfit. The Noble Lord concluded by stating, that he could not satisfactorily vote for either the Resolution or the Amendment, as, on the one hand, he did not see complete ground for implicating the Duke of York in the charge of corruption and connivance, nor did he see that there was no ground for supposing him guilty of connivance. It was his opinion, however, that his Royal Highness had done much for the army, by the several regulations and improvements that had been introduced during his command; but considerations, both moral and political, rendered it necessary, in the present circumstances, that he should withdraw from this important office.

The CHANCELLOR of the EXCHEQUER explained, in answer to the observations of the Noble Lord. The ground of the Resolution which he had to move seemed to be in a great measure misunderstood. It would still be open to Gentlemen to refuse their assent to any motion expressive of a wish that the Duke of York should remain in office. The opinion he was anxious should now be expressed, was not only that there was no ground for charging his Royal Highness with personal corruption, or participation in the corrupt practices complained of, but that there was no room even to suspect the existence of any connivance at, or knowledge of, those corrupt practices. Indeed, in his mind, the latter charge would

would argue as much, or more, baseness and corruption than the former; nor would the Duke of York have reason to thank the House for acquitting him of personal corruption, if they did not, at the same time, clear him of the more damning charge of criminal connivance at such corrupt practices. Neither from the documents, nor from the evidence produced at the Bar, could be deduced the slightest ground for convicting him of either. His Royal Highness must therefore be acquitted of all crimes, and of any criminal connivance at them. As to his further wishes, he should not disguise his anxiety to see the Duke of York continued in the situation of the Commander in Chief, and enabled to pursue the services which he had rendered to the country in that capacity. He should again repeat, that by voting for his Resolution no Gentleman would be bound to vote for the Address, which he might deem it his duty subsequently to move.

Mr. WHITBREAD rose, amidst a loud and general cry of (*Question, Question!*)—He should not, he said, detain the House for any time, seeing their impatience to close the discussion; but he must beg leave to remind them, that the Right Honourable Gentleman was now endeavouring to involve and confound two questions, that of personal corruption, and connivance at corrupt practices, which stood separate before. This he conceived to be an unfair proceeding; for, after all that had passed; after all that had been heard, and proved at the Bar, by the conclusion of the business, it was intended to insinuate that the Duke of York ought still to continue in office.

Doubts had been expressed respecting the degree of praise to which the Honourable Mover of the present question was entitled. He had never said that his Honourable Friend was likely to receive a formal Vote of Thanks from that House, for the services which his late independent and manly conduct was calculated to render; but sure he was, that the exertions of his Honourable Friend would carry with them the cordial and undivided thanks of the Nation.

He here contrasted the character, the conduct, and the fortunes of the Duke of York, with those of the Great Duke of Marlborough, and asked if that able and successful General had not been dismissed on charges not more grave.

But there was a very strange circumstance had come to his ears, with which he felt it incumbent on him to acquaint the House, and that was, that within these few days a meeting had taken place of General Officers, at which meeting it was proposed to address the Duke of York, on the present occasion, and to assure his Royal Highness of their gratitude and attachment. To what could the proceedings of such a meeting lead? if a number of General Officers were allowed thus to hold meetings and deliberate, why might not common soldiers imitate their proceedings, and sit in deliberation also? Was this a circumstance to be overlooked by the House? Was it not one of the most dangerous tendency? Was it not an

attempt to erect an *imperium in imperio* to interfere in the deliberative proceedings of that House, and to answer its arguments by fixed balloons? He trusted it would be sufficient thus to have warned the House of the existence of such a meeting. The Honourable Gentleman concluded by observing, that what had transpired in the course of the present investigation into the conduct of the Duke of York, furnished a new proof, if any additional proof were wanting, of the necessity of a temperate reform, a reform which would extend not only to the administration of the army, but to the Government in Church and State.

The SECRETARY at WAR, in answer to what had been said, relative to a meeting of General Officers, said there was a military club, of which he was a member, at which a number of General Officers had some evenings since been present, and the conversation having turned on his Royal Highness the Commander in Chief, they expressed a wish to address his Royal Highness in one shape or other. He must, however, inform the House, that the Address was to have no allusion to the present time, and further, that nothing was to be done in it till the proceedings on this inquiry were over.

The House at length divided; first, on Sir Thomas Turton's Amendment, on which the numbers were—

Against the Amendment - - - - - 334

For it - - - - - 135

Majority against the Amendment - ———199

The House again divided on Mr. Perceval's original Motion—

Ayes - - - - - 278

Noes - - - - - 196

Majority in favour of Mr. Perceval's Motion - ———82

The remaining part of the debate, was postponed till Monday the 20th, and the House at half past four adjourned.

MONDAY, MARCH 20.

The order for resuming the further consideration of this subject being moved,

The CHANCELLOR of the EXCHEQUER rose, and spoke nearly as follows—“Before the House proceed to the Order of the Day for the further consideration of the Minutes of the Committee, I think it necessary to communicate a fact, and I take this opportunity of doing so, as I apprehend it is possible it may influence an Honourable Gentleman opposite (Mr. Parbhurst) not to bring forward his motion. I have, Sir, to communicate to the House, that his Royal Highness the Duke of York did, upon the morning of Saturday, after the House had come to their decision, of his spontaneous accord, tender his Resignation of his Office of Commander in Chief, and which his Majesty with reluctance has accepted. The motives and reasons which induced his Royal Highness taking that

that time to tender that resignation, instead of an earlier period appear to me so honourable and so proper, that I am persuaded, when they are known, they will give much satisfaction to the House. I cannot, continued the Right Honourable Gentleman, state them better than in the words of the Letter in which the resignation of his Royal Highness was tendered, and which was as follows :

“ The House of Commons having, after a most attentive and laborious investigation of the merits of certain allegations preferred against his Royal Highness, passed a resolution of his innocence, he may now approach his Majesty, and may venture to tender to him his resignation of the chief command of his Majesty’s army, as his Royal Highness can no longer be suspected of acting from any apprehension of the result, nor be accused of having shrunk from the full extent of an inquiry, which painful as it has been, he trusts shall appear, even to those who have been disposed to condemn his conduct, to have met with that patience and firmness which can arise only from a conscious feeling of innocence.”

“ The motive which influences him arises from the truest sense of duty and the warmest attachment to his Majesty, from which he has never departed, and which his Majesty has, if possible, confirmed by the affectionate and paternal solicitude which he has shewn for the honour and welfare of his Royal Highness upon this distressing occasion; to him, as a most kind and indulgent father, as a generous Sovereign, his Royal Highness owes every thing; and his feelings alone would have prompted him to forego all considerations of personal interest in the determination he had taken. It would not become him to say, that he should not quit, with sincere regret, a situation in which his Majesty’s confidence and partiality had placed him, and the duties of which it had been his most anxious study and pride, during fourteen years, to discharge with integrity and fidelity—whether he might be allowed to add, with advantage to his Majesty’s service, his Majesty was best able to decide.”

This communication having been made to his Majesty by his Royal Highness, his Majesty had been most graciously pleased to accept it. He had then stated it to the House, without any comment of his own, and he left it to his Right Honourable Friend to determine, after having heard it, whether he would think it necessary to proceed with his motion.

Mr. BATHURST declared, that the important fact which had just been communicated would not induce him to depart from the line of conduct he had laid down for himself, as his sense of duty prevented him from availing himself even of this opportunity of getting free from the unpleasant burden imposed upon him. With truth he might say, he gave the most ample credit to the motives which influenced his Royal Highness to tender his resignation, and he was truly sensible of the loss the public would sustain from the want of his services. No one was more ready than he was to

bear testimony to the general good conduct, excellent regulations introduced into the service, and happy mode of enforcing obedience to them, which the country owed to the Duke of York, and he had every reason to regret that circumstances had arisen which caused his removal. But Gentlemen would recollect, that what had passed did not bear upon the view he had always taken of the subject, and that the event now announced could make no alteration in his mode of conduct. In his view, the odious charge of corruption met with no stronger or more determined opponent than himself. He had voted cheerfully with both the Resolutions of acquittal moved by the Right Honourable the Chancellor of the Exchequer, and he regretted extremely, that some Gentlemen thought they could not go so far with him. Beyond that vote he would have gone to say, that no lurking suspicion existed which ought to prevent the Duke of York going into the world with clean hands.—

The Honourable Gentleman now took a view of the original state of the question, and what had induced him to take the part he did. Still he thought it necessary, as an admonition to the present, and an example to future Commanders, that the Journals of the House of Commons should bear upon them an expression of the sense the House entertained upon some of the facts unfolded in this investigation, which did not amount to corruption, or connivance at corruption. He was also inclined to persevere in his resolution, from a consideration that his promise of bringing it forward had had some effect in keeping several gentlemen from voting with the severer measures proposed by the Honourable Mover of the original address, and his Honourable Friend (Mr. Bankes). He conceived that Parliament were called upon to pronounce on parts of evidence, not contained in the original charge, if these parts were material, and particularly so if they were connected with the political question which arose afterwards, and it was as being thus connected, and not as resting on moral grounds alone, that he now asked the House to come to an opinion on the communication and interference in military matters which had been proven to exist. He would not go into a statement of the facts which bore him out in this Resolution, after they had been so repeatedly canvassed, and which affixed the only stigma that was attached to the conduct of the Commander in Chief. The Honourable Gentleman defended himself from the charge of aggravating his Resolution by any harsh epithets; and thought that if something of the kind were not agreed to, it would not be known from their Journals whether they had not neglected to look into the allegations of negligence and misconduct contained in the evidence. His motion had in view two objects, admonition to the Duke of York, and example to the country, and while he thought that the country would, upon reflection, approve of the conduct of that House in acquitting the Duke of York of corruption,

tion, he at the same time was of opinion, that the sound part of the community would expect the House to come to a decision upon the Resolution he should now put into the hands of the Speaker. The Right Honourable Gentlemen then concluded with moving the following Resolution —

“ That while this House acknowledges the beneficent effects of the regulations adopted and acted upon by his Royal Highness in the general discharge of his duties as Commander in Chief, it is observed with the deepest regret, that in consequence of a connection the most immoral and unbecoming, a communication on official subjects, and an interference in the distribution of Military Appointments and Promotions has been allowed to exist, which could not but lead to discredit the official administration of his Royal Highness, and to give colour and effect, as they have actually done, to transactions the most criminal and disgraceful ”

SIR W. CURTIS seconded the Motion.

LORD ALTHORPE—“ I wish, Sir, to make a few comments upon the two propositions laid down by the Right Honourable Gentleman, Mr. Bathurst, in the commencement of what he has addressed to the consideration of the House. I agree with him, Sir, it would be a great loss to lose any individual from the head of our army, whose merit had so much promoted its welfare; but in the present instance, that loss, in my opinion, will be much diminished in our estimation, when we reflect the conduct of his Royal Highness has been such as to lose him the confidence of the country.—(*Hear! hear!*)—With respect to the other observations of that Right Honourable Gentleman, I certainly do not agree with him. He has thought it a loss to the public—the situation of Commander in Chief ought to be occupied by a person of the Royal Duke’s illustrious rank. In that sentiment, Sir, I do not concur, for the proceedings before this House have proved the inconvenience of his high rank, and there can be no doubt it would be more beneficial to the public interest, that the command of the army should be lodged in hands more responsible.—(*Hear! hear!*)—I feel myself inclined to say a few words in justification of the vote which I have given upon the evidence before us, and I must say, I did think his Royal Highness to be guilty of both corruption and connivance. I am also of opinion, the question is now in a state in which it ought not to stand, and therefore I agree with the Right Honourable Gentleman, it would be proper to place upon the Journals of this House the reasons which induced us not to proceed any farther. The country, I am persuaded, will be satisfied.—(*Hear! hear!*)—It would be the last thing in the world, on my part, intentionally, to hurt his Royal Highness’s feelings; and I shall consider it my duty, on that consideration, to propose, that, because the Duke

of

of York has resigned, we do not wish to proceed further in the question, for I do not think the Royal Duke can ever return to office, or ever can regain the confidence of the people (*Hear! hear!*) I have now to propose as an Amendment to the Resolution moved by the Right Honourable Gentleman, the omission of all the words contained therein after the word "That," when the Resolution would be as follows:

"That his Royal Highness the Duke of York having resigned the Command of the Army, this House does not think it necessary NOW to proceed any further in the consideration of the Minutes of the Evidence taken before the Committee, who were appointed to investigate the conduct of his Royal Highness the Duke of York, as far as relates to his Royal Highness."

Mr. O'HARA dissented from both the Resolution and the Amendment; he could not help being sorry the Duke of York was no longer at the head of the army; he thought his high-rank removed him from the sphere of Ministerial influence, and therefore, that the situation in his hands was not liable to change with every change of Ministers, as it must do if filled by an ordinary person. It was the King's prerogative to appoint all his servants, and that House should not upon light grounds interfere with that prerogative.

Mr. PERCEVAL—"It will not be necessary to trouble the House with many observations upon this subject, after what has passed in the tedious and minute investigation that has occupied us so long. I should have hoped, that after what I have stated to the House, they would have been satisfied, without proceeding farther. I have no difficulty in saying, if the House be not satisfied, and they be desirous still to express their reasons for their former votes, that that is the most inoffensive thing they could do. In stating that proposition, I should certainly prefer the amendment to the motion, under a distinct explanation, that an apparently trifling alteration should take place upon that amendment before its passing, for if not, it too was objectionable. The Right Honourable Mover did not advert, that his motion is inconsistent in some degree with his former sentiments, for how could it possibly happen, that such an influence was allowed to exist, as did not give countenance to infamous transactions, by which his Royal Highness, with his eyes open, must have connived at proceedings which we have already negatived? I certainly, therefore, should not have adopted that Resolution at any time, but at the present it is surely more unnecessary than before, for it is evident that his Royal Highness has of himself given greater atonement than even the Right Honourable Gentleman at any time expressed a wish to have. The Noble Lord who has proposed the Amendment is perfectly corrupt in his view of the subject, when he thinks it advisable that his Royal Highness should be prevented from ever returning to such a situation; and
distinctly

distinctly states, that the proofs of that corruption and connivance were made out to his satisfaction. Undoubtedly, should I agree in that conviction, I should feel no hesitation in falling into that Noble Lord's proposition; but it not only does not exist in my mind, but it has already been distinctly negatived by the House; and I think the House will have difficulty in agreeing to a Resolution, recommended upon the very grounds which they themselves have negatived, namely, the proposition which founds itself upon corruption. The Noble Lord has also stated, that he conceives it exceedingly objectionable; that a person of the rank of his Royal Highness, should hold a high and responsible situation in the state, as there is a peculiar degree of delicacy and difficulty in making any motion to implicate that responsibility. Now, Sir, if ever there was a period when that opinion had no foundation, it is the present one, when we have been for many weeks engaged upon this investigation into the conduct of his Royal Highness the Duke of York, and not the smallest obstacle thrown in the way, nor any difficulty originated.—With the view, therefore, in which I have entered upon this subject, I cannot conceive that the House, at a time when they have negatived both corruption, and connivance at corruption, should impose as it were an unlimited forfeiture of the situation his Royal Highness held, by including in a Resolution both what has already been negatived, and what may be afterwards made out; and I suppose the Noble Lord will not think of persisting in those words which he had adopted in his Amendment. I cannot agree to it while it contains the word ‘*now*,’ in the sense in which he has explained that word. The Amendment might have remained as it was, if the Noble Lord had not himself given an explanation of it, and I think that the House, and the Royal Duke himself, are indebted to him for the fairness and candour with which he has done it. Having been accompanied with that explanation, I conceive that no one can agree with the Motion upon the grounds so laid down by the Noble Lord, so as to retract the former sentiments of the House, and say, that there was corruption or connivance in his Royal Highness, or be prepared to go the length of arguing that his Royal Highness should never hold any situation, however immaculate he might afterwards prove to be. I say that this would be a most disproportionate punishment to the offence which the House seem inclined to charge him with, and it can only be adopted by those who see the darker shade of the offence. Whatever may be imputable to the Duke of York, this surely is not a fair opportunity of entering into a general resolution as to those who may in future hold that responsible situation. Upon these grounds, I shall give my concurrence to the amendment, to the extent of getting rid of the motion of my Right Honourable Friend, provided that amendment be altered, by leaving out the word I have alluded to.”

Sir CHARLES PRICE thought, that although the Duke of York was not guilty of any corruption or connivance at corruption, yet there was sufficient evidence to think his Royal Highness was highly censurable in his conduct, and therefore it was that he did most cordially agree with the proposition now made. It was a circumstance disgraceful to the character of his Royal Highness, that it had called upon the House to express themselves in such a general manner as to prevent similar transactions in future.

Lord FORKSTONE agreed with an Honourable Member, that something should be done, and there only did he agree with the Gentleman who had spoken on that side of the House. Thinking, as he did, that his Royal Highness was not free from corruption, he certainly was of opinion that he was unfit to hold the command of the army, and as he had now resigned it, ought never again be permitted to resume it. Much had been said of the little regard which had been paid to delicacy in the course of the proceedings. It was true many gentlemen had expressed their undisguised sentiments on the conduct of the Duke; many speeches had been made against the Commander in Chief, though he was of the Royal Family; but this circumstance alone was not sufficient to overthrow the objections which had been started against placing a Prince of the Blood in a responsible situation. Had such proceedings been instituted against any one else, on such grounds as those on which the late investigation had taken place, the person accused would have been dismissed. He concluded, by supporting the Amendment.

Lord TEMPLE said, he did not think the Chancellor of the Exchequer did well in quoting the Duke's words, "that the period had arrived when his innocence was made clear." He had voted in favour of the Duke, as he did not believe his Royal Highness guilty of corruption or connivance, but against such general declaration of innocence he must enter his protest.—In his opinion, a strong charge remained behind, misconduct was certainly to be charged against his Royal Highness; and while he was thus censurable, he thought such a declaration too strong, it would have been better had his friends advised him to have adopted a different style. He might have said with greater propriety, that he bowed to the wishes of the country, and though the House of Commons had acquitted him of corruption or connivance, he wished to manifest his deference to the general sentiments of the nation, by laying down the command of the army. Promptly as he agreed with the other Honourable Members in opinion, that his Royal Highness was not guilty of corruption, and promptly as he gave his vote for acquitting him of connivance, yet he could not think his innocence so completely established as to justify the expression made use of in the letter. He could not agree with the proposed Resolution, as he thought it in no instance just. Had the Commander in Chief
been.

been pronounced guilty, it would not have gone far enough; but, brought forward now, in his opinion, it went much too far. If it was thought improper to continue the Duke of York in the situation of Commander in Chief any longer, it was not for Parliament to endeavour to remove him by a side wind, but to proceed openly, and remove him in the face of day. He could not see the propriety of putting out the word "*now*," and, in the present state of things, to proceed farther he thought would be unnecessary.

Mr. BOOTLI thought Mrs. Clarke had possessed an improper influence over his Royal Highness—He was as superior to popular clamour as any other Honourable Member, but he rejoiced to see the lower orders of society express their sentiments with freedom. As the evidence laid before them had reached the remotest corner of the kingdom, he would wish their decisions to be made equally public, as well as the motives by which they had been actuated while forming their decisions.

Mr. WHITBREAD said, that although he perceived the House were anxious to decide upon the question before them, he could not submit that it should be put without saying why he differed from the proposed Amendment of the Noble Lord, introduced as it had been by a speech replete with sound argument. An address had been proposed by the Right Honourable Gentleman opposite, acknowledging the interference of Mrs. Clarke, acknowledging that it could not but tend to the discredit of his Royal Highness, and to give a colour to the charges submitted against him, and yet that Address so worded was intended to give a facility to his Royal Highness to continue in office. For his part he did not consider it possible, nor did he conceive how any man could consider it possible for his Royal Highness to have continued in office, after that Address was passed.—(*Hear ! hear !*)—Another point to which he objected was, that which went to thank him for his conduct as Commander in Chief, his conduct might have been meritorious, but it had not been sufficiently proved to him, as a Member of Parliament, that his conduct was so transcendantly brilliant as to call for the gratitude of that House. With respect to morality, the present was not the time to discuss it, the Duke of York had resigned, for what cause he did not think it necessary to enquire, whether from respect to the opinion of the country, which always must have weight, or from whatever other motive; but his impression was, that after the last night's debates, the Duke of York could not continue in office.

He thought that the Right Honourable Gentleman was liable to reproach, for having abandoned the Duke of York. If he thought him innocent, why did he abandon him? why did he not prevent his resignation? The Right Honourable Gentleman might be willing then to abandon propositions he had formerly maintained; but the resignation of his Royal Highness was all that he (Mr. Whitbread)

Whitbread) had in his view, and therefore he would not scrutinize the reason of it. He did not hesitate to state, that he thought the Duke of York guilty of connivance; not however agreeing with the Right Honourable Gentleman, that there were no degrees, nor admitting that the various gradations should be confounded in one undistinguishing reproach. As to what was now proposed, he could not help thinking it somewhat ungenerous; it did not want him to resign, but, when he had resigned, it came to fix upon him with a resolution. It was not by bringing forward any proposition, that they could expect to produce a moral reformation in the conduct of his Royal Highness. The Honourable Member was somewhat surprised to see the vehemence which the two worthy City Baronets had manifested to protest against the undue influence which the Duke permitted, though they denied all corruption, and to have a slap at him before it was too late. They came in at the death, and aimed a blow at the carcase when killed, just to say to their constituents, "We did vote for something against the Duke" (*Loud laughing,*) "I trust, however," said Mr. WHITBREAD, "their project will be completely foiled."

As to what had been mentioned respecting the perpetual exclusion of the Duke of York, he supposed it utterly impossible that it could have referred to exclusion from the Throne. He supposed that it could only have meant exclusion from office (*Hear!*) The resignation of the Duke of York going forth to the country, would, he was persuaded, afford complete satisfaction, but if once it was known to be the intention to replace him, at any future period, his present dismissal would not be sufficient to allay the ferment so justly excited (*Hear! hear!*) If such were the intention, and that it was known, it would quickly appear, that little or nothing had been done to satisfy the public feeling, and appease the public indignation. With respect to the introduction of the word "*now*," the Right Honourable Gentleman opposite had contended that it was impossible to pronounce that no occasion could occur, in which it would be advisable to call his Royal Highness into office; he (Mr. Whitbread) did not undertake to pronounce any such positive decision, having no farther capacity to develope and dive into the future, than other near-sighted mortals, he would not pronounce with confidence, what he could not ascertain with certainty, but supposing that the Duke of York was placed in a situation in which it would be thought advisable to reinstate him, supposing that, by the miraculous concurrence of circumstances, the nation was inclined to have him appointed to his situation once more, the word "*now*" would not exclude him in such a case. The House, he thought, must see the reason why the Right Honourable Gentleman would not agree, on Saturday, to report the ordinary proceedings, for although he wished that his Royal Highness would continue in office, it appeared now, that he knew he would not continue.

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The word party had been mentioned; but if ever there was a question carried without the influence of party, and against all party, that was it. Different parties existed in the House, to none of which the Honourable Gentleman, who brought forward the charges, had appealed, and yet he managed to divide 135 against all parties. Among other things affected by that question, he hoped that one great advantage would result, which was, the annihilation of a particular party, detrimental to the public welfare, a party, which was not seen, but felt; a party, which Lord Chatham had described as a thing standing behind the Throne, and greater than the Throne itself, a party which had put the present Government into power, and which was itself supported in a publication audaciously promulgated of late. He hoped that that party existed no more, and that if Government were resolved to prosecute any publications, it would be that worst of all libels. A Prince had given a lesson to other Princes, of which, it was to be hoped, they would take advantage, and not depend upon such parties. Such parties were not new to the country; In the time of Charles the Second, Sir William Temple had felt the effects of a similar one, and remonstrated upon it, he had said that none but the ostensible Counsellors should be known to the Crown, and that the acknowledgement of any others would lead to the overthrow of the country.

The Right Honourable Gentleman had given a lecture of morality, he (Mr Whitbread) had already said, that when the want of morality interfered with the public concerns, it might be noticed by a public tribunal; but, under any other circumstances, it was not their business to pronounce upon it. Of morality, the Duke of York had had already a sufficiently long and grave lesson, in the inquiry upon which the House was occupied, and any farther enforcement of its duties and obligations, was, in his opinion, beyond the province of the House. Princes were envied for their situation, but they were also to be pitied, they were excluded from many things which contributed not only to the happiness of life, but to the advancement and support of virtue, among others, and among the greatest, was the want of faithful counsellors, who had candour and boldness to assist them with their best advice, who would tell them what was true, although it was not flattering, and what was right, although it was not agreeable. That was a want which Princes almost always experienced. If then it appeared that their hands were more tied and bound up than the rest of mankind, why should the House of Commons proceed to lecture them upon morality? That was not the time in which it became them to do so, especially as there was a Prince, free from the immoralities of others, happily to be found.

There was one point upon which he felt it to be his duty to call their attention before he sat down, and that was respecting a

meeting of the officers of the army. He understood that the Right Honourable Secretary had attended that meeting, and that the proposition brought forward there was put down by him. He understood, that a paper was drawn out in the hand-writing of Sir David Dundas, and read to the military Officers then assembled, that it was seconded by himself, that the proposition being received with acclamation, was withdrawn, not laid aside, and instead of being abandoned for ever, was only reserved for another occasion. He had heard from a Bookseller, a very respectable, man, known to the Gentlemen upon the opposite side of the House, that an address was presented to him by an Officer, for a correction of the style; that the object of that address was to recommend to the Duke of York to retain his situation as Commander in Chief. He did not go to the length of some, who wished that Officers in the army should be excluded from that House, he was happy to see them there; but when they evinced such a spirit as that, it was an alarming consideration, they should be stopped, as Cæsar had stopped his tumultuous soldiers. They should be told that they were citizens as well as soldiers; and that even as soldiers it was then duty to obey.

The Honourable Gentleman declared his opinion, that a national sentiment prevailed that the Son of the King was not a fit person to be Commander in Chief. The present inquiry had demonstrated that it was not fit that the Son of the King should hold that situation. The House had been engaged in this inquiry from the 1st of February to the 20th of March. We of course saw the case with which the son of the King could be removed from his situation. When the charges first were brought forward, Gentlemen on the other side had stepped forward, and challenging the Honourable Mover to the inquiry, had said, "Oh? now at length you have come in a tangible shape, and we thank you for giving us an opportunity of meeting the charges." When the Honourable Gentleman, however, had proved his charges, he was told he was to have no thanks at all. For these reasons he thought the son of the King was not a fit person to hold such a situation. There was a time when the favourite son of a King had not been so treated. In a former reign when the Duke of Cumberland gave offence by concluding the convention of Kloster Seven, he was at once removed and disgraced. Though he (Mr. Whitbread) was not prepared to say, that the Honourable Gentleman who brought forward these charges ought to receive the thanks of the House, because in so doing he had only discharged his duty, he was satisfied that he had the thanks of the great majority of that House and of nine hundred and ninety-nine out of every thousand individuals throughout the kingdom.

The SECRETARY at WAR rose to reply to that part of the Honourable Gentleman's speech relating to the Address, such a
 thing

thing had merely been proposed in conversation, thirteen Officers only were present, several of whom took no part in what passed. He knew nothing of what the Honourable Gentleman had been informed of in the street.

Mr. CANNING said, if such a thing had only been spoken of in a loose conversation it was wholly unimportant, but if otherwise, such conduct merited punishment.

The CHANCELLOR of the EXCHEQUER rose to explain that he had not deserted the Duke; but as the resignation of his Royal Highness was his own act solely, he thought any interference on his part improper.

After some observations in reply from Mr. BATHURST, strangers were ordered to withdraw, and the Motion was negatived without a division.

Lord ALTHORPE's Amendment was then put as a distinct motion, when

Mr. PERCEVAL moved as an amendment, that the word "*now*" be omitted.

On this the House divided,

For Mr. Perceval's Amendment	- -	235
Against it	- - - - -	112
Majority	- - - - -	123

After this division the House adjourned.

Thus terminated an affair — more important, perhaps, than any that has undergone PARLIAMENTARY INVESTIGATION SINCE THE REVOLUTION.

In Vol. 2. between folios 395 and 433, there is a typographical Error in the paging, which the Reader is requested to disregard as the subject follows correctly.

In answer to some enquiries concerning the Inverted Lines in the Appendix, the Reader is informed, they are literal Copies of the Original Letters as printed in the Minutes for the use of the Members of the House of Commons.

INDEX TO VOLUME II.

A

ADAM, Mr complains of the aspersions thrown out against him as the "professed Adviser of the Duke of York," 13 Examined to prove the hand writing of some papers found in the possession of R Kennett, 75, and the attempt made by the Duke to procure a place for Kennett, 92 His account why Mrs Clarke's annuity was discontinued, 94 His opinion of the note found in Captain Sandon's possession, 168, 307 Examined as to the use Mrs Clarke had made of the Duke's interest and name in money matters, 259 As to the correspondence between the Duke and Mrs. Clarke on military affairs, 271 Vindicates the evidence he had given before the Committee, 547.

Address to his Majesty, declaring the Duke of York to be innocent of the charges alledged against him, 460, 517

Althorpe, Lord, moves a resolution to stop further proceedings, 644.

Appendix, No. I letters and papers relative to Col French's levy, 35;—394 No II copies of various letters, notes, &c between Mrs Clarke and Capt. Sandon, 395—405

Army, state of, when placed under the command of the Duke of York, 348 Services rendered to it by his Royal Highness, 349, 507

B

Bankes, Mr defends the Duke of York, 510, and moves an address to his Majesty, 517.

Bateman, Mr examined as to his opinion of the note found in Capt Sandon's possession, 226

Bathurst, Mr moves an amendment on the motions of Mr Wardle and Mr Perceval, 477

Bliss, Mr examined as to the possibility of the note produced by Capt. Sandon, being a forgery, 227.

Brooke, Col circumstances of his promotion, 258 Recapitulation of the process of his exchange with Col Knight, 409, 433, 454, 494

Brand, Mr supports Mrs. Clarke's evidence, 633.

Brownrigg, General, examined to prove the hand writing of the Duke of York, 161, 168

Burdett, Sir F supports the evidence of Mrs Clarke and others, 556 Denies having offered Mrs. Clarke a sum of money, 595

Burrard, Sir H. letter from, to Col. Gordon, relative to Major Shaw, 464

Burton, Mr recapitulates the evidence produced before the committee of inquiry, 429; and exculpates the conduct of the Duke of York, 440. Re-states his opinion as to the credibility of Mrs. Clarke's testimony, 534

C

Calcraft, Mr opposes the observations of Lord Castlereagh, 605

Canning, Secretary, his speech against the amendments which had been proposed, and the Address moved by Col Wardle, 625

Carter, Samuel, Letters from, to Mrs Clarke, soliciting pecuniar aid, 18 Acts as footman to Mrs Clarke, 28, 37, 46 Colonel Wardle's recapitulation and animadversions on his case, 42 439, 468, 494, 522

Castlereagh

Castlereagh, Lord, opposes the evidence of Mrs Clarke, 603

Clarke, Mrs. examined to prove the hand-writing of Samuel Carter, and other persons, 17, 49. Accuses Mr Wilkinson of having bribed Nicholls, 18. Procures a paymastership for Mr Elderton, 18, 23. Applied to by the Baroness Nolleken, to procure her a pension, 25. Extent of her establishment in Gloucester Place, 29, 37, 42, 528. Examined on Sam Carter's case, 50. Why her annuity was discontinued, 94. Examined to authenticate certain Letters produced by Mr. Wardle, 96. As to the note produced to Major Tonyn by Capt. Sandon, 133. Confronted with Mr Reid, and identified as the same person who was at his hotel under the name of Mrs Dowler, 137. Examined as to her acquaintance with Mrs Hovenden and Miss Taylor, 139. As to her hand-writing, and her custom of guiding her mother's hand, 146, 153. Acknowledges herself to be in the habit of imitating the hand writing of others, *in play*, 149. In possession of a facsimile of the Duke of York's private seal, 151. Money paid by the Duke on her account, 176, 273, 472. Circumstances of the Duke's leaving her, 284, 321, 325. Examined as to her acquaintance with Mrs Favorey, 286. Her list of promotions pinned at the head of the bed, 289. Her acquaintance with Mr Ogilvy, 290. Her letters to Capt. Sandon, 395, — 405. Animadversions on her character and evidence, 432, 452, 483, 505, 512, 518, 526.

Clavering General, letters from, to Mrs Clarke, soliciting a commission for raising a battalion, 21. Requests to be permitted to correct his former evidence, 200;

the request complied with, 231. declared to be guilty of prevarication, 243. Animadversions on his connection with Mrs. Clarke, 470, 523.

Clinton, Col. correspondence between him and Col French, 357.

Coke, (Member for Norfolk,) supports the testimony of Mrs. Clarke, 600.

Corri, Mrs examined relative to the Papers of Mrs. Clarke, destroyed by Mr Corri, 141.

Covell, Major, defended, 1.

Croker, Mr defends the Duke of York, 589. Convinced of an error in his charge against Sir F. Burdett, 595.

Curwen, Mr supports Col Wardle's motion for removing the Duke of York, 442. Begins to read a letter from Capt Spedding, 554.

D

Debate in the Committee on the propriety of admitting Mr. M'Dowall's evidence, who had delivered it in a state of inebriety, 32. On Col Sandon's evidence, 131, 156, 195. As to the propriety of permitting General Clavering to correct his testimony, 200. In the House of Commons on the Report of the Committee of inquiry, 408, *et seq.*

Dickie, Mr examined to prove the Duke of York's hand writing, 166, 169.

Dowler, Mr Animadversions on his connection with Mrs Clarke, 425, 465, 490, 501, 522.

Duff, Mr examined touching some papers found in the possession of R Kennet, a Bankrupt, 71, 75.

E

Elderton, Mr procures a paymastership through Mrs. Clarke, 18, 23. Animadversions on this circumstance, 466, 502. His letter to Mrs Clarke, relative to the promotion of his son, 26. To the Duke

Duke of York, on the same occasion, 27

Ellis, Rev J J. examined relative to Mrs Favorey, 307.

Exchequer, Chancellor of, opposes an observation of Lord Folkstone, 538 Reads a resolution, to acquit the Duke of York of personal corruption, 631 His speech on the Duke of York's resignation, 640 moves a resolution, 643

F

Farquhar, G Esq the Duke's private address to Mrs Clarke, 151

Favery, Mrs housekeeper to Mrs Clarke, examined on various points, 36, 311 Her equivocations, 39, 44 Denies that she is related to Mrs. Clarke, 42, 315 Her evidence refuted, 307 Assumes the name Farquhar, 311, 315 Circumstances of her marriage, 315, and of her birth, 316 Animadversions on her character and evidence, 431, 473, 506

Ferguson, General, thinks the Duke of York extremely culpable, 631

Fitzpatrick, Gen examined as to the improvements introduced by the Duke of York into the army, 350

Folkstone, Lord, complains that justice had not been done to Mr Wardle, in the management of the examination, 4 Defends the measures of Col Wardle, 530. Defends Mrs Clarke's testimony against Mr Burton, 534 Replies to Mr Burton, ib Replies to the Chancellor of the Exchequer, 532 Advised to abstain from personality, 545 His speech on the amendment, 646

French, Col his leave, 356, 355 Animadversion on 414, 435, 443, 455, 451, 498, 506, 520

G

Gibbs, Sir, V. his defence of the Duke of York, 504.

Gordon, Col examined on the proposed exchange between Colonel Knight and Colonel Pleydell, 63

To prove the hand writing of the Duke of York, 160 Relative to the note in Capt Sandon's possession, 163 Relative to Major Tonym's promotion, 247

Greenwood, C Esq. examined, 56 Examined as to the application of Mr Kennett for a place, 87 Corrects his evidence on the appointment of Mr Elderton, 247 Examined relative to the separation between the Duke and Mrs Clarke, 321.

H

Hamilton, Col. examined as to his information of the note produced by Capt. Sandon, 275, 298

Harrison, W Esq examined relative to the Duke's disavowal of the note produced by Capt Sandon, 303.

Hope, Major General, examined, to prove the Duke of York's hand writing, 167

Hovendon, Mrs a friend of Mrs Clarke, 139.

Huskinson, Mr examined to prove the hand writing of Mr. Chapman, 76 Relative to the note produced by Capt Sandon, 304.

J

Johnson, Mr S examined as to the similitude between a letter of the Duke's and the note of Capt. Sandon, 214

K

Kennett, Mr. proposed to raise a loan of 70,000*l* for the Duke of York, 76 Animadversions on his proposal, 466

Knight, Col. his exchange with Col Pleydell refused, 63 Recapitulation of his case, 409, 433, 454, 494

L

Leach, Mr defends the Duke of York, 525.

Leith;

Leith, Major Gen. letters from, commendatory of Major Covell's Services, 2

Leycester, Mr. supports the Duke of York, 611

Letter from Major Gen Leith, commendatory of Major Covell's Services, 2. From Major Tucker, declaring that he and his brother obtained their promotions in the regular way, and not through any undue influence, 157, 175. From Miss Taylor, complaining of dissimulation in Mr. Hovendon's evidence, 159. From the Duke of York to the Speaker of the House of Commons, 406. From Sir H. Burdard, to Col. Gordon, relative to Major Shaw, 464. From Major Shaw to Sir H. Burdard, 464. From Mr. Elderton, 467.

Letters from Samuel Carter to Mrs. Clarke, soliciting pecuniary aid, 18. From General Clavering to the same, to procure him a Levy, 21. From Mr. Elderton to Mrs. Clarke and to the Duke of York, relative to the Promotion of his son, 26. From Baroness Nolleken, soliciting Mr. Clarke's interference to procure her a pension, 27. Relative to the proposed exchange between Col. Knight and Col. Pleydell, 63. Relative to a loan of 70,000*l* to the Duke of York, from Mr. Kennett, 76, *et seq* and Papers relative to Capt. Spedding's being placed on half-pay, 250. Relative to the promotion of Lieut. Col. J. Taylor, 254. The promotion of Major Ximenes, 256. From the Duke of York to Mrs. Clarke, 293, 321, 323. From Gen. Clavering to Mrs. Clarke, 325. Relative to Col. French's levy, 355. From Mrs. Clarke to Capt. Sandon, 395, 405.

Long, C. Esq. examined to prove the hand writing of Mr. Adams,

private Secretary to the late Mr. Pitt, 76. Enters into an explanation of Kennett's introduction to the Duke of York, 599.

Lowten, T. Esq. employed in making inquiries relative to Mrs. Clarke, 325. Examined relative to the Rev. W. Williams, 328, and his conversation with Gen. Clavering, 329.

Lyttleton, Mr. opposes the resolution read by the Chancellor of the Exchequer, 632.

M

M'Dowall, W. Footman to Mrs. Clarke, examined as to S. Carter's Service in her House, 30.

Maling, Capt. Recapitulation of his case, 473, 435.

Martin, H. thinks the evidence of Dowler incontrovertible, 597.

Messenger, John, examined as to Mr. Clarke's dealings with Mr. Parker, the pawn broker, 272.

Metcalf, Dr. examined as to the Inability of Mrs. Clarke to attend the Committee, 213.

Milton, Lord, thinks the case of Kennet attaches direct corruption to the Duke of York, 607.

N

Nesbitt, Mr. examined as to the likeness between the Duke of York's hand writing and that of the note produced by Capt. Sandon, 215, 218.

Nicholls, remarks on his evidence, 490, 505.

Nolleken, Baroness, applies to Mrs. Clarke for a pension, 25. Her letters on the occasion, 27.

Norton, General, examined as to the state of the army, when the Duke of York took the Command, 245, and the services rendered by his Royal Highness, 349.

Note found in Capt. Sandon's possession, supposed to be a forgery, 163, 303. Fac simile of the cover, 405. Animadversions on, 437, 444, 513.

Ogilvie,

O

Ogilvie, Mr. an acquaintance of Mrs. Clarke, 290.

Official papers produced in evidence, Col Wardle's remarks on, 419

O'Meara, Dr observations on his application to preach before Royalty, 470, 524

P

Peirson's evidence discussed, 410, 433, 454

Perceval, Mr defends the mode of examination adopted by the House, 8, 108 Examined relative to the note produced by Capt Sandon, 266, 305 Defends the conduct of the Duke of York, 446, 460 And moves a vote of acquittal, 449 House divides on his motion, 640. His observations on Lord Althorpe's resolution, 644 House divides on the amendment proposed by him, that the word *now* be omitted from Lord Althorpe's resolution, 651

Petty, Lord H. descants on the cases of several persons mentioned in the evidence, 637

Plate purchased by Mrs Clarke, remarks on, 471, 500, 507

Pleydell, Col his exchange with Col Knight refused, 63

Ponsonby, Mr wonders how any body could think the Duke of York guilty of connivance 626

Pulteney, Sir James, describes the improved state of the army while under the command of the Duke of York, 351

R

Reid, Mr. identifies Mrs Clarke as the person who had resided at his Hotel as Mrs Dowler, 137

Rocheport, General, examined on Samuel Carter's promotion, 67

Romilly, Sir S. supports Col. Wardle's motion, 574.

Ryder, Mr asserts that where the witnesses were contradicted in their evidence of the collateral circumstances, no attention ought be given to their statement of

facts which no other witness could contradict, 614.

S

Sandon, Capt. examined on Major Tonyn's promotion, and prevaricates respecting a note shewn by him to the Major, 113. Supposes the note to be lost, 117. Ordered into the custody of the Serjeant at Arms, 131 Acknowledges the note to be in his possession, 132 Produces it, 143 Committed to Newgate, 156, 196 The note suspected to be a forgery, 163 Re-examined on the subject, 184 Examined on Major Tonyn's promotion, 191 His joint correspondence with Col French to Col Clinton for a levy, 355. His correspondence with Mrs Clarke, 395 Recapitulation and admissions on his correspondence with Mrs Clarke, 415, 471, 515

Scotland, Lord Advocate of, supports the Duke of York, 616

Seales, Mr examined as to the similarity between the Duke's letter and the note produced by Capt Sandon, 214

Shaw, Major, his promotion discussed, 3 Recapitulation of the circumstances under which it took place, 423, 438, 445, 463. Letter from, to General Bunnard, 464

Sinclair, Sutherland, M^s kept by the Duke of York, 60, 426, 467

Smith, Dedrick, examined as to his knowledge of Miss Faylor, and her father, 345

——, W. his speech upon four cases which he thought material, 551

——, H. considers *ex-parte* evidence not sufficient to induce the House to inflict censure or punishment, 584

Solicitor General defends the Duke of York's letter to the House as perfectly constitutional, 585

Spedding,

Spedding, Capt papers and letters relative to his being placed on half pay, 250

Stanley, Mr, supports the evidences given before the House, 610

Sutton, Mr calls upon the House to decide whether guilty or not guilty upon the evidence before them, 596

Swann, Mr examined to prove the hand writing of Sir H. Mann, 77.

T

Taylor, Col. J papers and letters relative to his promotion, 254. Examined as to the attempts made to procure a place for Kennett, 90

——, L Esq examined to prove the hand writing of his brother, 75, and of Gen. Clavering, 325

——, Miss, complains Mrs Howenden had been guilty of dissimulation towards her, 159. A favourite with the Duke, 294. Examined relative to the conversation between the Duke and Mrs Clarke, on Col. French's levy, 336 Her father goes by the name of Chance, 345 Animadversions on her character and evidence, 436, 455, 497, 506, 520

——, the shoemaker, a messenger between Mrs Clarke, Mr Greenwood, and the Duke of York, 61

Temple, Earl, addresses the House, and mentions several strong circumstances, which bear against the Duke of York, 614—610

——, Lord, his observations on the Chancellor of the Exchequer's quotation from the Duke of York's letter, 646

Thynne, Dr his evidence animadverted upon, 409, 434

Tierney, Mr acquits the Duke of York of corruption, but thinks there are other questionable points, 628

Tony, Major, proceedings relative

to his promotion, 109, 133, 191, 247 Recapitulation of the circumstances connected therewith, 421, 437, 443, 457, 495, 506, 521.

Town, Mr instructs Mrs Clarke in velvet painting and in imitating hand writings, 150 Examined on this subject, 171, 268

Tucker, Major, letter from, denying that he or his brother had obtained their commissions through undue influence, 157, 175

Turner, Major, prevented from selling out through the interference of Mrs Sinclair, 426 Animadversions on his case, 467.

Tutton, Sir T thinks the House not competent to decide on the case of the Duke of York, 611.

——— moves an amendment charging the Duke with the knowledge of corrupt practices, 633. House divided upon his amendment, 640.

V

Vote of censure on the Duke of York, 427 Of acquittal of the Duke of York, 459.

W

Walker, T coachman to Mrs. Clarke, examined as to the fact of Samuel Carter acting as her servant, 28

War, Secretary at, opposes the address moved by Mr. Bankes, 554.

Wardle, Col examined, 48, 53. Delivers in more letters from Mrs Clarke's repository, 93 His speech in the House of Commons on the report of the committee of inquiry, 408 His Motion for an address to his Majesty praying the removal of the Duke of York from the office of Commander in Chief, 427

Wellesley, Sir Arthur, defends the promotion of Major Shaw, 3, of Major Tucker, 157 Describes the improved state of the army while under the command of the Duke of York, 352

Whitbread,

Whitbread, Mr. his defence of Major O'Connell, 1. Supports Col Wardle's motion of censure, 481. Objects to the reading of Capt. Spedding's letter, 564. Compares the Duke of York's case to that of the Duke of Marlborough, 639. Trite observations of, 647—650.

Wilberforce, Mr. speaks as to the facts made known by the evidence, 617—625.

Wilkinson, Mr. examined, 335.

Windham, Mr. his observations on the evidence of accomplices, 601.

Wynne, Mr. defends the Duke of York, 587.

X

Ximenes, Major, documents relative to his promotion, 256.

Y

York, Duke of, his letters to Mrs. Clarke, 293, 321—323. His letter to the Speaker of the House of Commons, 406.

Yorke, Mr. defends the late Commander in Chief, 517.

FINIS.

DIRECTIONS TO THE BINDER, FOR PLACING THE PRINTS, &c.

No.	I. Mrs. Clarke	as Frontispiece to Vol. II.							
	V. Duke of York	-	to Face	I.	Page	5.			
VII.	Captain Sandon	-	-	II.	-	113			
IX.	Miss Taylor	-	-	I.	-	274			
XI.	Benjamin Towne	-	-	II.	-	171			
XIII.	Sir Francis Burdett	-	-	II.	-	556			
XV.	Mrs. Favery	-	-	II.	-	36			
XVII.	Lord Folkstone	-	-	II.	-	530			
XIX.	Mrs. Hovenden	-	-	I.	-	453			
XXI.	Mr. Dowler	-	-	I.	-	178			
XXIII.	Dr. O'Meara	-	-	I.	-	441			
XXV.	Colonel Gordon	-	-	I.	-	69			
XXVII.	General Clavering	-	-	II.	-	231			
XXIX.	Mr. Taylor	-	-	I.	-	50			
XXXI.	Mr. Donovan	-	-	I.	-	295			
XXXII.	Colonel Wardle	as Frontispiece to Vol. I.							

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